

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Twenty Fourth day of February Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.2345 of 2020

IN CRL A.130/2020

C.THUNAIVENDAN

[ACCUSED]

Vs

INSPECTOR OF POLICE [COMPLAINANT]
VIGILANCE AND ANTI CORRUPTION,
VILLUPURAM.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.130/2020 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in special case No.74 of 2014 of the Special Judge for the cases under Prevention of Corruption Act, Villupuram and to enlarge the appellant/accused on bail till the disposal of the Crl.A.No.130/2020.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.130/2020 on the file of the High Court and upon hearing the arguments of M/S.V.KRISHNAMURTHY, Advocate for the petitioner and of M/S.SARATHA DEVI V., GOVERNMENT ADVOCATE (Crl.Side) on behalf of the Respondent the court made the following order:-

Appellant/Accused was convicted for the offence under Sections 7 and 13(2) r/w 13(i)(d) of Prevention of Corruption Act 1988 and was sentenced to undergo 4 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for 6 months for the offence under Section 7 of Prevention of Corruption Act 1988; to undergo 4 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for 6 months for the offence under Section 13(2) r/w 13(i)(d) of Prevention of Corruption Act 1988, by the learned Special Judge for the cases under Prevention of Corruption Act 1988, Villupuram, under judgement in S.C.No. 74 of 2014 dated 10.02.2020. Hence, the Appellant/Accused seeks suspension of sentence.

2.The learned counsel for the Appellant/Accused would submit that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He would further submit that the Appellant/Accused surrendered before the Trial Court on 10.02.2020, immediately after conviction and he is suffering from serious liver ailment and now, he is confined in Central Prison, Cuddalore. Hence, he prays to suspend the sentence imposed on the petitioner.

3.Heard the submissions of the learned Government Advocate (Criminal Side).

4.Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration and health condition of the appellant/petitioner, I am of the considered opinion that the Appellant/Accused is entitled for the relief of suspension of sentence.

5. Accordingly, the substantive sentences of imprisonment alone are suspended and the Appellant/Accused is directed to be enlarged on bail, on condition that the Appellant/Accused shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Special Judge for the cases under Prevention of Corruption Act 1988, Villupuram and on further condition that the Appellant/Accused shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending appeal.

6.Notice.

-sd/-
24/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE FOR THE CASES
UNDER PREVENTION OF CORRUPTION ACT,
VILLUPURAM.

2 THE SUPERINTENDENT,
<https://hcservices.ecourts.gov.in/hcservices/>
CENTRAL PRISON, CUDDALORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
VILLUPURAM.

+1 C.C. to M/S.V.KRISHNAMURTHY Advocate on payment of necessary
charges SR.No.15416

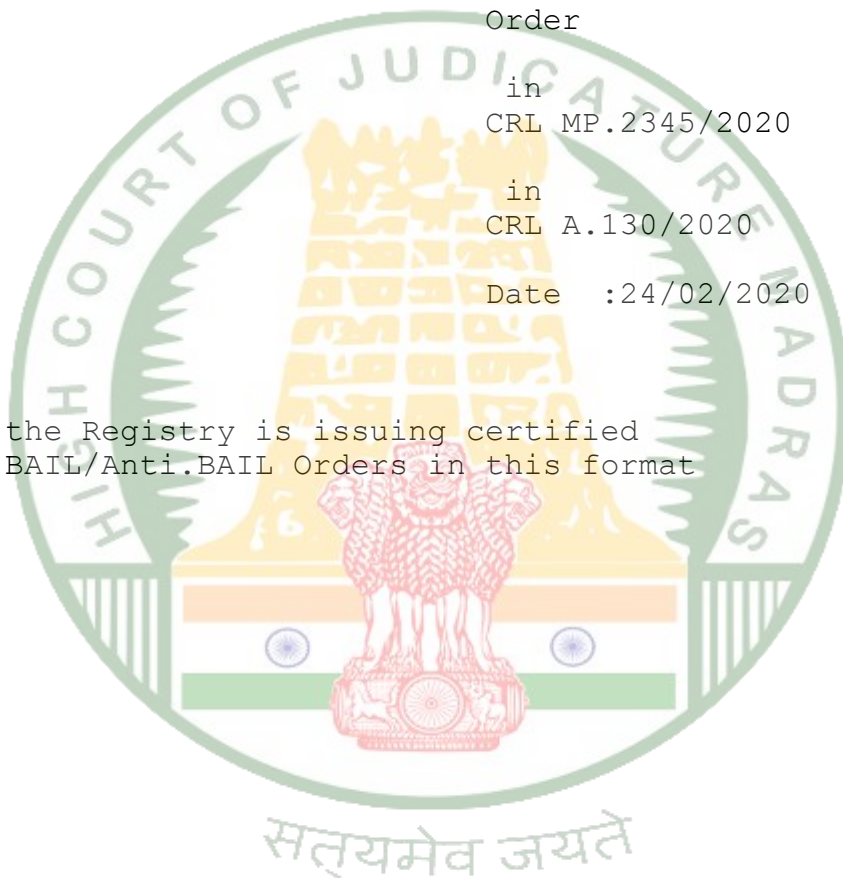
Order

in
CRL MP.2345/2020

in
CRL A.130/2020

Date :24/02/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 25/02/2020



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