

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Seventh day of February Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.2633 of 2020

IN CRL A.142/2020

D.ARUMUGAM

[PETITIONER / APPELLANT]

Vs

STATE REPRESENTED BY THE
THE INSPECTOR OF POLICE,
V & A.C., VILLUPURAM.
CR.NO.4/2007

[RESPONDENT / RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.142/2020 on the file of the High Court, the High Court will be pleased to enlarge the petitioner on bail in connection with Judgment dated 19.02.2020 passed in Special Case No.9/2014 on the file of the Special Judge, Special Court for Prevention of Corruption Act Cases, Villupuram, pending disposal of the above Crl.A.No.142/2020.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.142/2020 on the file of the High Court and upon hearing the arguments of M/S.R.POORNIMA, Advocate for the petitioner and of MR.C.IYYAPPARAJ, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

The petitioner/ Appellant was convicted for the offence under Sections 7, 13(2) r/w. 13(1)(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 six 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 six months for the offence under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, by the learned Special Judge, Special Court for Prevention of Corruption Act Cases, Villupuram under judgment in Special Case No.9 of 2014 dated 19.02.2020. The sentence of imprisonment imposed for each offence was ordered to run concurrently. Hence, the appellant seeks suspension of sentence.

2.The learned counsel for the petitioner/ appellant would submit that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. She would further submit that immediately after the judgment dated 19.02.2020, the petitioner/ appellant surrendered before the Trial Court and he is now confined in Cuddalore Central Jail. She would further submit that the petitioner/ appellant has already paid the fine amount and would further submit that he is suffering from age old ailments and that he has to take necessary treatment.

3.Heard the submissions of the learned Additional Public Prosecutor.

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, I am of the considered opinion that the petitioner/ appellant is entitled for the relief of suspension of sentence.

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

-sd/-
27/02/2020

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

सत्यमेव जयते
TRUE COPY

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

TO

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

2 THE SUPERINTENDENT,
CENTRAL JAIL, CUDDALORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
V & A.C., VILLUPURAM.

+2 C.C. to M/S.R.POORNIMA Advocate on payment of necessary
charges SR.No.3917

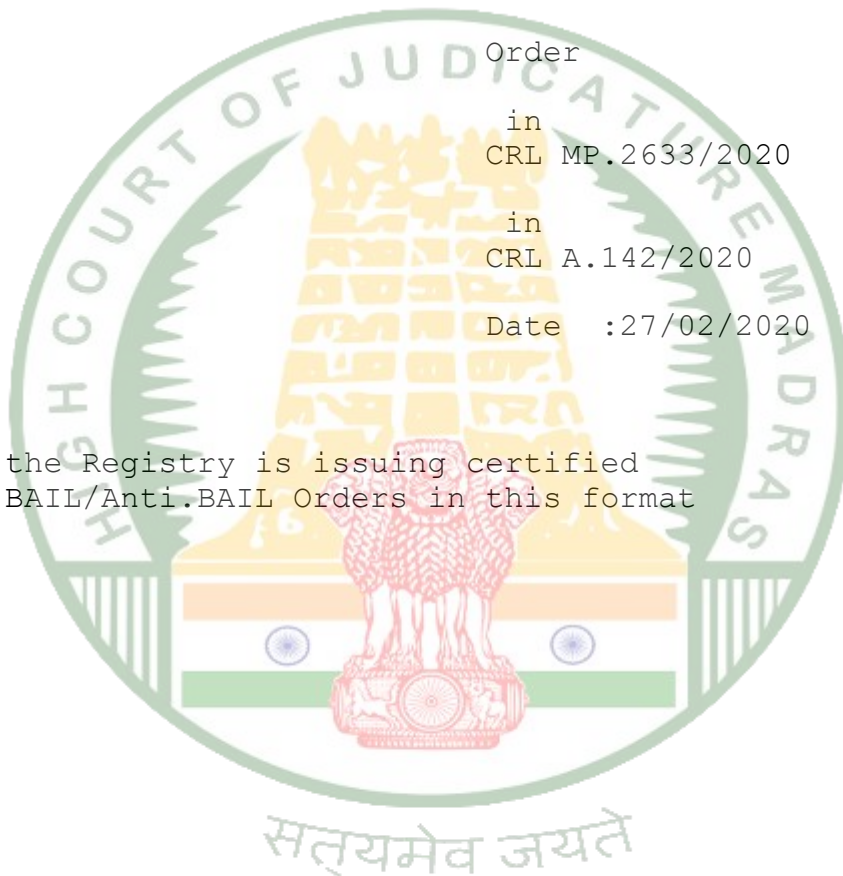
Order

in
CRL MP.2633/2020

in
CRL A.142/2020

Date :27/02/2020

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cs 28/02/2020



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