

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of October Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION NO.6419 OF 2020

IN CRL.A.NO.420 OF 2020

K.JANAKARAN

[PETITIONER / APPELLANT]

Vs

THE STATE REP.BY ITS [RESPONDENT]
SUPERINTENDENT OF POLICE,
PREVENTION OF CORRUPTION AND VIGILANCE DEPARTMENT,
KRISHNAGIRI.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.420 OF 2020 on the file of the High Court, the High Court will be pleased to suspend the sentence dated 15.09.2020 in Special (SC) No.3 of 2015 on the file of the Chief Judicial Magistrate, Krishnagiri pending disposal of the above CRL.A.NO.420 OF 2020 [IN CRL.MP.NO.6419 OF 2020]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.420 OF 2020 on the file of the High Court and upon hearing the arguments of M/S.AL.GANTHIMATHI, Advocate for the petitioner and of M/S. P.KRITIKA KAMAL Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This case is taken up through video conference.

2. This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order 15.09.2020 passed in Special S.C.No.3 of 2015 on the file of the Chief Judicial Magistrate Court, Krishnagiri and to enlarge the petitioner on bail pending disposal of the above appeal.

3. The petitioner, who was an accused in Special S.C.No.3 of 2015 before the Chief Judicial Magistrate Court, Krishnagiri, was convicted of the offences under Sections 7 and 13(2) of the Prevention of Corruption Act, 1988 (for short "the PC Act") and sentenced as follows:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 7 of the PC Act	One year rigorous imprisonment and fine of Rs.5,000/-, in default to undergo six months rigorous imprisonment.
2	Section 13(2) of the PC Act	One year rigorous imprisonment and fine of Rs.5,000/-, in default to undergo six months rigorous imprisonment.

The aforesaid sentences were ordered to run concurrently.

4. Challenging the above conviction and sentences, the petitioner has filed CrI.A.No.420 of 2020 along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

5. Heard Mrs.AL.Ganthimathi, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (CrI.Side) appearing for the respondent/State.

6. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. The trial Court has suspended the sentence of imprisonment imposed on the petitioner under Section 389(3) Cr.P.C. for a period of thirty days. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall surrender before the Chief Judicial Magistrate Court, Krishnagiri, within a period of two weeks from the date of receipt of a copy of this order;
- (ii) After such surrender, the petitioner shall be released on bail on he executing a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Chief Judicial Magistrate Court, Krishnagiri;

(iii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and

(iv) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

-sd/-

28/10/2020

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 CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT OF POLICE,
PREVENTION OF CORRUPTION AND VIGILANCE DEPARTMENT,
KRISHNAGIRI.

+1C.C. to M/S.AL.GANTHIMATHI Advocate on payment of
necessary charges SR NO.7161

Order

in
CRL.MP.NO.6419/2020
in
CRL.A.NO.420/2020

Date :28/10/2020

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

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MR:02/11/2020