

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.No.6737 of 2020

in Crl.A.No.441 of 2020

P.Nagalingam

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Vigilance and Anti-Corruption,
Special Investigation Cell,
Chennai - 600 028.

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order 15.10.2020 passed in C.C.No.28 of 2013 on the file of the Special Court for the cases under the Prevention of Corruption Act, 1988, Chennai - 104 and to enlarge the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr.Shanmugavelayudham
Senior Counsel for
Mr.L.Baskaran

For Respondent : Mrs.P.Kritika Kamal
Government Advocate (Crl. Side)

O R D E R

सत्यमेव जयते

This case is taken up through video conferencing.

2. This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 15.10.2020 passed in C.C.No.28 of 2013 on the file of the Special Court for the cases under the Prevention of Corruption Act, 1988, Chennai - 104 and to enlarge the petitioner on bail till the disposal of the appeal.

3. The petitioner, who was an accused in C.C.No.28 of 2013 before the Special Court for the cases under the Prevention of Corruption Act, 1988, Chennai - 104, was convicted of the offence under Section 8 of the Prevention of Corruption Act, 1988 and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo three months simple imprisonment.

4. Challenging the above conviction and sentence, the petitioner has filed Crl.A.No.441 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

5. Heard Mr.Shanmugavelayudham, learned Senior Counsel representing Mr.L.Baskaran, learned counsel on record for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) 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 under Section 389 (3) Cr.P.C. imposed on the petitioner till 13.11.2020. 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 Special Court for the cases under the Prevention of Corruption Act, 1988, Chennai - 104, 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 Special Court for the cases under the Prevention of Corruption Act, 1988, Chennai - 104;
- (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/-

06/11/2020

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,
SPECIAL COURT FOR THE CASES UNDER THE
PREVENTION OF CORRUPTION ACT,
1988, CHENNAI-104.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SPECIAL INVESTIGATION CELL,
CHENNAI-600 028

+2C.C. to M/S. L.BASKARAN Advocate on payment of necessary charges SR NO.7386

Order

in
CRL.MP.NO.6737/2020

in
CRL.A.NO.441/2020

Date :06/11/2020

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

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