



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.18715 of 2019

IN CRL A.895/2019

S.THIRUMOORTHY

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
ERODE.

CRIME NO.18/AC/2008/ER.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.895/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence till the disposal of appeal by enlarging the petitioner on bail connected in Spl.C.C.No.08/2015 on the file of the learned Chief Judicial Magistrate cum Special Judge, Erode, CRL A.895/2019 [IN CRL.MP.NO.18715 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.895/2019 on the file of the High Court and upon hearing the arguments of M/S.P.EZHIL NILAVAN, 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 sentenced to undergo 1 year Simple Imprisonment for the offence u/s.7 of Prevention of Corruption Act and a fine of Rs.5,000/- in default two months Simple Imprisonment. Further for the offence u/s.13(2) r/w.13(1) (d) of Prevention of Corruption Act to undergo 2 years Simple Imprisonment and a fine of Rs.10,000/- in default two months Simple Imprisonment and all the sentences of imprisonment imposed on the appellant herein are ordered to be run concurrently. Hence, the petitioner/ appellant seeks suspension of sentence.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.



3.The learned counsel appearing for the petitioner would submit that the trial court granted suspension of sentence till 25.12.2019, the petitioner had surrendered before the trial court on 02.01.2020 and the petitioner is in prison for the past 7 days. He would also submit that the petitioner is aged about 64 years and he is suffering from age old ailments. Hence, he prays for the relief of suspension of sentence. He would further submit that there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses.

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 the age of the petitioner, I am of the considered opinion that the 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 learned Judicial Magistrate and Special Judge, Erode 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/-
09/01/2020

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 JUDICIAL MAGISTRATE AND
SPECIAL JUDGE, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUM SPECIAL JUDGE, ERODE.

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
ERODE.

+1C.C. to M/S.P.EZHIL NILAVAN Advocate on payment of
necessary charges SR NO.503

Order

in
CRL MP.18715/2019

in
CRL A.895/2019

Date :09/01/2020

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

MK:09/01/2020