

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

CrI.M.P.No.711 of 2021

in CrI.A.No.36 of 2021

R.P.Iyyapphan

.. Petitioner

Vs.

State Through,
The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai City- I, Dett.
Chennai-600 016.
(Crime No.11/AC/2018/CC-1)

.. Respondent

Prayer: Criminal Miscellaneous Petition is filed under Section 389 (1) of Criminal Procedure Code r/w 439 of Criminal Procedure Code, to pass an order suspending the sentence of imprisonment imposed by the learned Special Judge cum Chief Judicial Magistrate at Chengalpattu in Spl.Case.No.3 of 2020 dated 07.01.2021 and enlarge the petitioner on bail pending disposal of C.A.No.: of 2021.

For Petitioner : Mr.R.Ganesh Kumar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते
ORDER

Learned Additional Public Prosecutor takes notice for the respondent.

2.This petition has been filed seeking for suspension of sentence imposed by the Court below while convicting the petitioner for an offence under Section 7 of the Prevention of Corruption Act. The Court below has sentenced the petitioner to undergo three years simple imprisonment and has also imposed a fine of Rs.10,000/- and in default to undergo six months simple imprisonment. The Court below has suspended the sentence by passing an order in CMP.No.111 of 2021, dated 07.01.2021 and to appear on 08.02.2021.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

4. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has made out a prima facie case and it will take some more time for this Court to take up the appeal for final hearing and also considering the fact that the petitioner has also deposited the fine amount imposed by the Court below, this Court deems it fit to suspend the substantive sentence of imprisonment imposed by the Court below in Spl. Case. No. 3 of 2020, dated 07.01.2021 and the petitioner is enlarged on bail subject to the following conditions:

a) The petitioner is directed to execute a bond of a sum of Rs.10,000/- with two sureties each for a like sum, to the satisfaction of Special Judge cum Chief Judicial Magistrate at Chengalpattu.

b) The petitioner shall report before the learned Special Judge cum Chief Judicial Magistrate at Chengalpattu on the first working day of every month, pending disposal of the criminal Appeal.

-sd/-

01/02/2021

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 CUM CHIEF JUDICIAL
MAGISTRATE, CHENGALPATTU.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
CHENNAI CITY-I, DETT., CHENNAI-16.

+1 C.C. to M/S. R. GANESH KUMAR Advocate on payment of
necessary charges SR.NO.1009

Order

in
CRL MP.711/2021

in
CRL A.36/2021
Date : 01/02/2021

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