

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fifth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.2731 of 2021

IN CrI.A.No.106 of 2021

R.CHINNAKANNU

[PETITIONER/APPELLANT]

Vs

THE STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
CITY-I, DETT., R.A.PURAM,
CHENNAI-600 028.

[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence imposed on the petitioner in C.C.No.80 of 2011 on the file of the learned Special court for cases under Prevention of Corruption Act at Chennai, Judgment dated 10.02.2021 and enlarge the petitioner on bail pending disposal of the CrI.A.No.106 of 2021.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.P.KUMARESAN, Advocate for the petitioner, and of MR. C.IYYAPPARAJ, Additional Public Prosecutor, on behalf of the Respondent, the court made the following order:-

The Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner in C.C.No.80 of 2011 on the file of the Learned Special Court for Cases under Prevention of Corruption Act at Chennai, dated 10.02.2021 and enlarge the petitioner on bail pending disposal of the Criminal Appeal No.106 of 2021

2.The Appellant/Accused was found guilty for the offence under Sections 7, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and he has been convicted for the offence under Section 248 (2) Cr.P.C. and sentenced as under:

S.No.	Conviction	Sentence
1.	Under Section 7 of Prevention of Corruption Act, 1988	Undergo Rigorous Imprisonment for one year and to pay a fine of Rs.1,000/- in default to undergo Simple imprisonment for three months.
2.	Under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988	Undergo Rigorous Imprisonment for two years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for 3 months.

3.The sentences were ordered to run concurrently. Aggrieved against the same, the Appellant/Accused has preferred the Criminal Appeal. Pending disposal of the Criminal Appeal, the Petitioner/Accused has filed the Criminal Miscellaneous Petition, seeking for suspension of sentence.

4.The case of the prosecution as per the witness PW2 / P.Kumar is that on 02.06.2009 while he was taking his auto bearing Reg.No.TN04 Q 0121 to the Mechanic Shop for repair in order to make the vehicle fit to obtain the Fitness certificate, the accused officer stopped the vehicle and asked him to produce the relevant records. The accused officer after inspecting the records, retained the original RC Book for not obtaining the fitness certificate and demanded Rs.1,200/- as bribe to return the original RC Book. Again on 05.06.2009, PW2 went to the office of the accused and requested him to return the original RC Book to obtain fitness certificate, but the same was refused and again on 08.06.2009 when PW2 requested the accused officer to return the RC Book, he again demanded Rs.1,200/- towards bribe to handed over the Original R.C. Book. When PW2 does want to give bribe to get his R.C.Book, lodged a complaint on 08.06.2009 and based on his complaint, a trap was laid and the accused officer was caught red handed while receiving bribe. Hence charges were framed against the accused / petitioner for having committed the offence punishable u/s. 7, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and after trial the accused was found guilty and convicted as stated above.

5.The learned counsel for the Appellant/Accused would submit that he is innocent and he has been falsely implicated in this case. He would submit that there are arguable points available in the appeal and that the Appellant/Accused is advised that he has got a fair chance of succeeding in the appeal and would pray that the substantive sentence of imprisonment imposed against the Appellant/Accused may be suspended.

6.Learned Special Public Prosecutor (CBI Cases) would submit that the prosecution has proved its case beyond all reasonable doubts and that on the side of the prosecution, they have examined 10 witnesses viz P.W.1 to P.W.10 and marked 17 documents viz. Ex.P1 to Ex.P17 and 5 material objects were marked viz. M.O.1 to M.O.5. Hence, he opposed for the grant of bail to the Appellant/Accused.

7.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment alone is suspended and the Appellant/Accused is ordered to be enlarged on bail, on the following conditions:-

- i. The Appellant/Accused shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties, each for a like sum to the satisfaction of the Special Court for Cases under the Prevention of Corruption Act, Chennai.

The Appellants/Accused shall report before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

05/03/2021

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

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Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

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TO

1 THE SPECIAL COURT FOR CASES UNDER PREVENTION
OF CORRUPTION ACT AT CHENNAI,

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
CITY-I, DETT.,
R.A.PURAM, CHENNAI-600 028.

+1 C.C. to M/S.P.KUMARESAN Advocate on payment of necessary
charges SR.NO.2797

Order

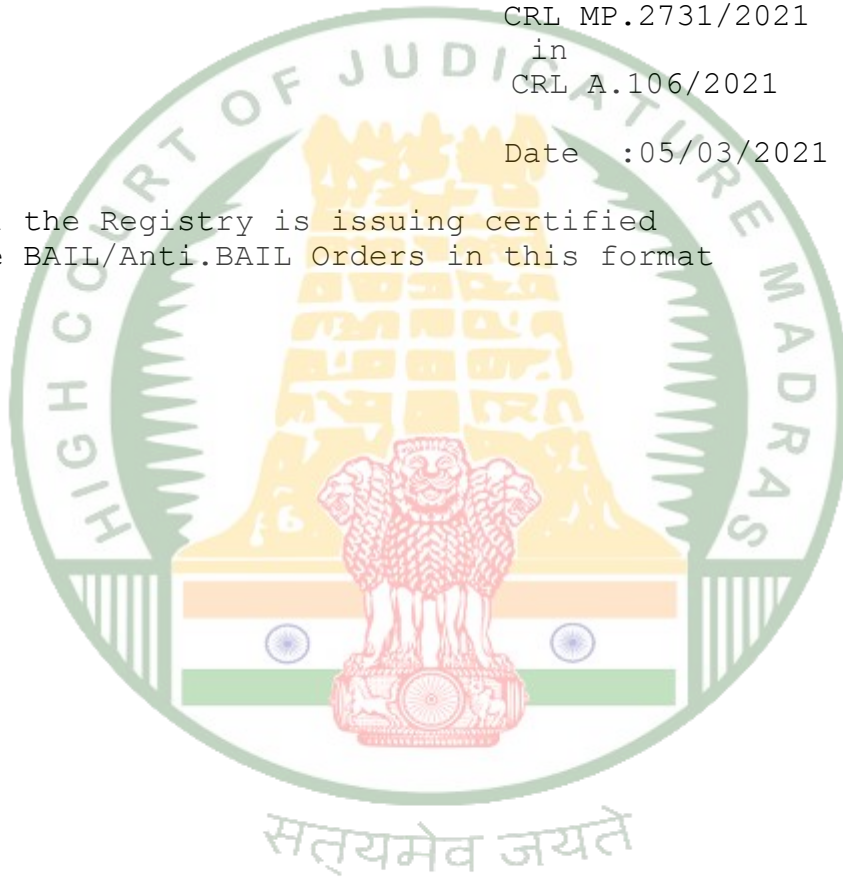
in
CRL MP.2731/2021

in
CRL A.106/2021

Date :05/03/2021

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

TA-05/03/2021



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