

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Nineteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL MISCELLANEOUS PETITION No.4670 of 2021

IN CRL A.162/2021

P.S.RAVI

[PETITIONER]

Vs

INSPECTOR OF POLICE
V AND AC, CHENNAI.
(CR.NO.5/AC/2009/CC-I)

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the sentence imposed on the appellant made in CC.No.136 of 2011 dated 17.03.2021 on the file of the Special Judge for the cases under the Prevention of Corruption Act, Chennai and enlarge the petitioner on bail pending disposal of the C.A.No.162 of 2021.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.A.GANESH, Advocate for the petitioner and of MR. S.KARTHIKEYAN, 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.136 of 2011 on the file of the Learned Special Court for Cases under Prevention of Corruption Act at Chennai, dated 17.03.2021 and enlarge the petitioner on bail pending disposal of the Criminal Appeal No.162 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 / T.K.Purushothaman/Defacto complainant, is that he was allotted a plot by the Tamil Nadu Slum Clearance Board (TNSCB) in the year 1991. By obtaining a loan from the TNSCB, the defacto complaint constructed a house in the plot and agreed to pay the loan amount on a monthly basis. However, he was default in making the payment and after obtaining a loan from the Syndicate bank, had approached the appellant/ Accused officer and paid Rs.56,630/- which was due and payable by him. Thereafter, the defacto complainant has inquired about the accused officer about the sale deed for which the accused officer stated that he has to pay a sum of Rs.1,000/- for the same. After few days, he paid the amount and received the requisition letter for sale deed from the accused person. Thereafter, when the defacto complainant and his friend (PW4) enquired about the time in which he will get the sale deed, the accused officer stated that he has only paid the Government fees through R.I and demanded a sum of Rs.6,000/- as illegal ratification. They lodged a complaint on 02.03.2009 and based on the 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 Additional 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 12 witnesses viz P.W.1 to P.W.12 and marked 21 documents viz. Ex.P1 to Ex.P21 and 4 material objects were marked viz. M.O.1 to M.O.4. 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.
- ii. 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/-

19/04/2021

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

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

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

2 INSPECTOR OF POLICE
V AND AC, CHENNAI. (CR.NO.5/AC/2009/CC-I)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.A.GANESH Advocate on payment of necessary charges
Sr.5131

Order

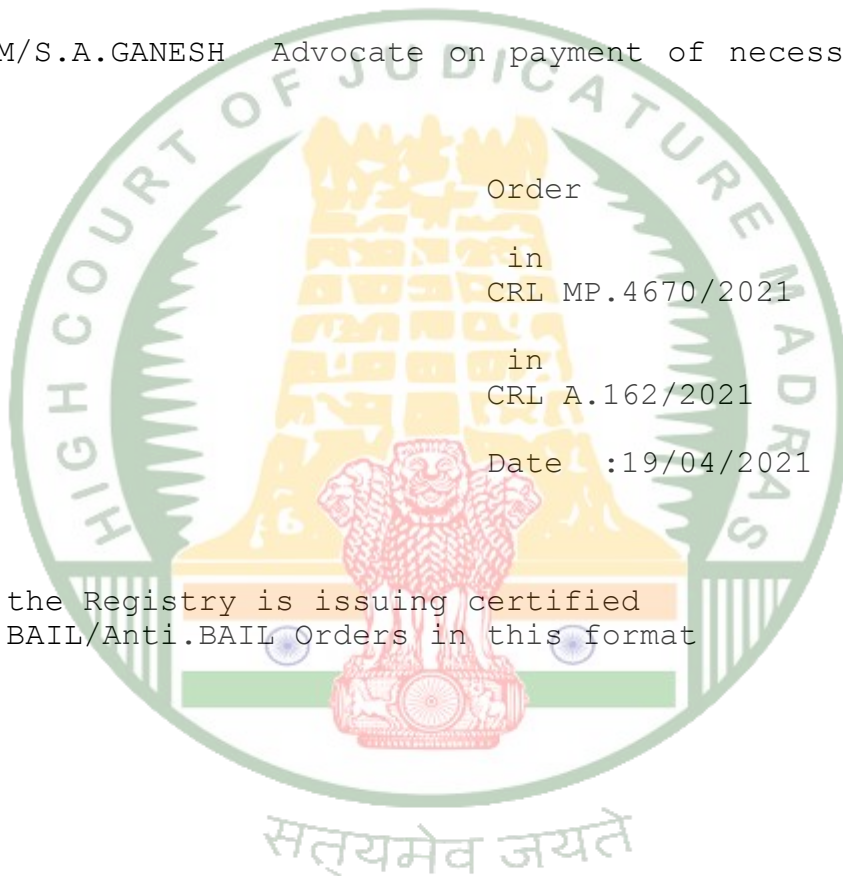
in
CRL MP.4670/2021

in
CRL A.162/2021

Date :19/04/2021

From 7.2.2001 the Registry is issuing certified
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RVR 20/04/2021



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