

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.MP.No.5762 of 2021
in
Crl.A. No.240 of 2021

T.AL.Tenappan

...Petitioner

-Vs-

The State by
The Inspector of Police,
Vigilance and Anti-corruption,
City Special Unit-I
Chennai - 16.
(Crime No.7/AC/2017/CC-I)

...Respondent

Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed in the judgment dated 04.05.2021 passed in Spl.C.C.No.2 of 2019 on the file of Chief Judicial Magistrate cum Special Judge, Thiruvallur and release him on bail pending disposal of the Appeal.

For Petitioner : Mr.P.M.Duraiswamy

For Respondents : Ms.Saradha Devi
Government Advocate (Crl.Side)

ORDER

The petitioner figured as accused in Spl.C.C.No.2 of 2019 on the file of learned Chief Judicial Magistrate cum Special Judge, Thiruvallur. By the impugned judgment dated 04.05.2021, the trial court convicted the petitioner for the offence u/s.7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and sentenced him to undergo four years rigorous Imprisonment and pay fine of Rs.25,000/- in default to undergo three months simple imprisonment in respect of the alleged offence under Section 7 of the Prevention of Corruption Act, 1988 and four years rigorous Imprisonment and pay fine of Rs.25,000/- in default to undergo three months simple imprisonment in respect of the alleged offence under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 . Challenging the judgment passed in Spl.C.C.No.2 of 2019 dated

04.05.2021 on the file of the learned Chief Judicial Magistrate cum Special Judge, Thiruvallur, the petitioner has filed the above miscellaneous petition seeking suspension of substantive sentence of imprisonment.

2. The learned counsel for the petitioner has raised substantial points in the memorandum of appeal, which require a detailed consideration by this Court.

3. The learned Additional Public Prosecutor submitted that the Court below has appreciated the entire evidence and has given elaborate reasons for convicting and sentencing the petitioner.

4. There are arguable points which requires a consideration in the appeal and the appeal cannot be taken up for hearing in the near future. Therefore, this Court is inclined to suspend the sentence imposed by the Court below.

5. The sentence imposed by the Court below vide Judgment made in Spl.C.C.No.2 of 2019 dated 04.05.2021 on the file of learned Chief Judicial Magistrate cum Special Judge, Thiruvallur is hereby suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner 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 Chief Judicial Magistrate cum Special Judge, Thiruvallur and the petitioner shall appear before the said Court on the first working day of every English Calendar month at 10.30 a.m. until further orders.

6. Accordingly, this petition is ordered.

-sd/-
06/05/2021

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 CHIEF JUDICIAL MAGISTRATE
CUM SPECIAL JUDGE, HIRUVALLUR.

2 THE SUPERINTENDENT,
PUZHAL JAIL, CHENNAI.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
CITY SPECIAL UNIT-I,
CHENNAI-16
(CRIME NO.7/AC/2017/CC-I)

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 C.C. to M/S.P.M.DURAI SWAMY Advocate on payment of necessary charges

Order

in
CRL MP.5762/2021

in
CRL A.240/2021

Date :06/05/2021

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RG.12.05.2021

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