



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Tenth day of August Two Thousand Twenty One

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PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN
CRIMINAL MISCELLANEOUS PETITION No.7650 of 2021

IN CRL A.370/2021

D.SAMPATH

[ACCUSED/APPELLANT]

Vs

INSPECTOR OF POLICE,
SPECIAL INVESTIGATION CELL,
VIGILANCE AND ANTI-CORRUPTION DEPARTMENT,
CHENNAI - 600 028.

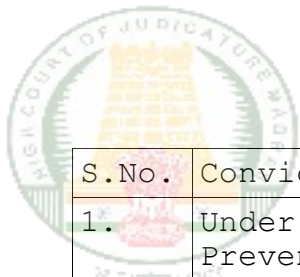
[COMPLAINANT/RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.370 of 2021 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment for 2 years each for offences under section 8 of the Prevention of Corruption Act 1988 and Section 420 of the Indian Penal Code passed by the Special Judge in Judgement dated 12.07.2021 in C.C.No.17/2015 and enlarge the petitioner / appellant on bail pending disposal of the above appeal in the interest of justice and equity and thus render justice.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.370 of 2021 on the file of the High Court and upon hearing the arguments of M/S. T.V.BADRINARAYANAN, Advocate for the petitioner and of M/S. RAJ THILAK, Govt. Advocate (Crl. Side) 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.17 of 2015 on the file of the learned Special Court for Cases under Prevention of Corruption Act at Chennai, dated 12.07.2021 and enlarge the petitioner on bail pending disposal of the Criminal Appeal No.370 of 2021.

2.The Appellant/Accused was found guilty for the offence under Sections 8 of the Prevention of Corruption Act, 1988 and he has been convicted for the offence under Section 420 of IPC., and sentenced him as under:-



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S.No.	Conviction	Sentence
1.	Under Section 8 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 three months.
2.	Section 420 of IPC.,	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 evidence of prosecution witnesses is that PW.1/Tr.Punniyakodi was working as an Account Assistant in Tamil Naud Zarkri Limited. The Accused has contacted PW.1 over phone and stated that he was the owner of D.M. Silks, Kanchipuram and directed him to meet him in his house. When PW.1 inquired about the purpose for his visit the accused states that if he met him a good thing will happen to him, hence, PW.1 has met the accused in his house at Kancheepuram. At that time, the accused has stated that his relative is working in Vigilance and Anti-Corruption at Kancheepuram and as against him a complaint was available and the same was inquired by the said person and he will be arrested soon for the same. But, PW.1 has refuted the claim of the accused and stated that as his brother was in hospital, he has left the place. Two days later, the accused has contacted PW.1 and stated that in order to close the complaint PW.1 has to pay a sum of Rs.10 Lakhs. Thereafter, on 03.09.2011 at about 9.00 a.m., PW.1 has given the sum of Rs.5 Lakhs to the accused. Further, on 20.03.2012 at about 7.30 p.m., the accused has contacted PW.1 over phone and again demanded a sum of Rs.2 Lakhs, failing which, the raid will be conducted in his house, this is the treat made by the accused. PW.1 has stated that he was having a sum of Rs.10,000/- at present, for the same, the accused had directed him, to meet him at 2.00 p.m., near the lighthouse in Marina Beach, Chennai. The said act of the accused is punishable under Section 8 of the Prevention of Corruption Act, 1988 and Section 420 of IPC., hence, a complaint in Crime No.3/AC/2012/SIC/HQ was filed before the Vigilance & Anti-Corruption, Special Investigation Cell. After investigation, the case was taken on file in C.C.No.17 of 2015. The Special Court, after analysing all the oral and documentary evidence, found guilty of the appellant for the above said offence, passed the judgment of conviction and sentenced him as stated supra.



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 Government Advocate (crl.side) would submit that the prosecution has proved its case beyond all reasonable doubts and that on the side of the prosecution, they have examined totally 8 witnesses viz P.W.1 to P.W.8 and marked 10 documents viz. Ex.P1 to Ex.P10 and 6 Material objects were marked viz. M.O.1 to M.O.6. 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 twice in a month for the first Monday and the third Monday of working day of every English Calendar month at 10.30 a.m., until further orders.

8.With the above observations and directions, the Criminal Miscellaneous Petition is ordered.

-sd/-

10/08/2021

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.



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

2 INSPECTOR OF POLICE,
SPECIAL INVESTIGATION CELL,
VIGILANCE AND ANTI-CORRUPTION DEPARTMENT,
CHENNAI - 600 028.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S. T.V.BADRINARAYANAN Advocate on payment of
necessary charges Sr.8320

Order

in
CRL MP.7650/2021

in
CRL A.370/2021

Date :10/08/2021

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

RVR 10/08/2021