



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL MISCELLANEOUS PETITION No.10452 of 2021

IN CRL.A.No.478 of 2021

K.PUTHIYARAJ

[PETITIONER / APPELLANT / ACCUSED-1]

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
DHARMAPURI DISTRICT.
CRIME NO.04/AC/2009/DP)

[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner / Appellant in Spl.C.C.No.7 of 2011 by the learned Trial Judge by its Judgment dated 30.09.2021 in Spl.C.C.NO.07 of 2011 on the file of the Special Judge/Chief Judicial Magistrate at Dharmapuri enlarge the petitioner / Appellant on bail pending C.A.No.478 of 2021 on the file of this Hon'ble High Court and pass such further or other orders.

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. M.PALANIVEL, Advocate for the Petitioner and of M/S.E.RAJ THILAK, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

[Video Conferencing]

1.This Criminal Miscellaneous Petition has been filed by the Petitioner / 1st Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 30.09.2021 made in Spl.C.C.No.07/2011, by the learned Special Judge and Chief Judicial



Magistrate, Dharmapuri, pending disposal of the Criminal Appeal, in and by which, the petitioner / 1st Accused was convicted for the offences under Sections 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 and for the offence punishable under Section 7 of Prevention of Corruption Act, 1988, the petitioner / A1 was sentenced to undergo one year simple imprisonment and to pay a fine of Rs.2,000/- in default to undergo simple imprisonment for a period of two months and for the offence punishable under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, the petitioner / A1 was sentenced to undergo two years simple imprisonment and to pay a fine of Rs.3,000/-, in default to undergo simple imprisonment for a period of three months and the sentences were ordered to run concurrently.

2.This court heard the learned counsel on either side and also perused the materials placed on record.

3.According to the learned counsel for the Petitioner/1st Accused, there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the Petitioner/1st Accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentences of imprisonment imposed against the Petitioner/1st Accused may be suspended. It is also his submission that the fine amount had already been paid.

4.The learned Additional Public Prosecutor has raised objections for suspending the sentence.

5.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel and the learned Additional Public Prosecutor, this Court is of the view that the substantive sentences of imprisonment alone can be suspended on certain conditions.

6.Accordingly, till the disposal of the Criminal Appeal, the substantive sentences of imprisonment alone is suspended and the Petitioner/1st Accused is ordered to be enlarged on bail, on the following conditions:-

i.The Petitioner/1st Accused 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 Court of Special Judge and Chief Judicial Magistrate, Dharmapuri;



ii. The Petitioner/1st accused shall report before the said Court on the first Monday of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

08/10/2021

WEB COPY

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/CHIEF JUDICIAL MAGISTRATE
AT DHARMAPURI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
DHARMAPURI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. M.PALANIVEL Advocate on payment of necessary charges SR.NO.11278

Order

IN
CRL MP.10452/2021

IN CRL.A..478/2021

Date :08/10/2021

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

JPA 13/10/2021