



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2021

CORAM:

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.M.P.No.10607 of 2021

in

CrI.A.No.481 of 2021

K.Sivakumar

... Petitioner/Appellant/Accused-2

Vs.

The State Represented by its
The Inspector of Police,
Vigilance and Anti Corruption,
Nagapattinam.
Crime No.04 of 2014.

... Respondent/Respondent/Complainant

PRAYER: Criminal Miscellaneous petition has been filed under Section 389 (1) of Cr.P.C., praying to suspend the sentence imposed on the Appellant/Accused (A2) in Sp.C.C.No.1 of 2016 on the file of the Chief Judicial Magistrate/Special Judge, Thiruvarur, by judgment dated 14.09.2021, pending disposal of the Criminal Appeal.

For Petitioner : Mr.S.Venkatesan

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence imposed against the petitioner in Spl.C.C No.1 of 2016 on the file of the learned Chief Judicial Magistrate/Special Judge, Thiruvarur by order dated 14.09.2021, pending disposal of this Criminal Appeal and release the accused/petitioner on bail. The petitioner/accused has been convicted and sentenced by the trial Court as follows:



WEB COPY

Provision under which convicted	Sentence
Section 248 (2) of IPC	Three years Simple Imprisonment, and to pay a sum of Rs.1,000/- each in default of payment of fine to undergo further Six months Simple Imprisonment.
Section 7 of Prevention of Corruption Act, 1988 and Section 13 (2) r/w. 13 (1) (d) of Prevention of Corruption Act.	Two years Simple Imprisonment and to pay fine of Rs.1000/- each in default of payment of fine to undergo further 3 months Simple Imprisonment.

2.Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

3.Now, since this revision has been filed, the substantive sentence of imprisonment imposed by the learned trial Judge is suspended with the following conditions:

(a) The petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Chief Judicial Magistrate/Special Judge, Thiruvarur, within fifteen days from the date of receipt of a copy of this order;

(b) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond. The learned Judicial Magistrate shall obtain a copy of their Aadhar card or Voter Identity Card or Driving license or PAN Card or Bank Pass Book with photo affixed and attested by Bank Manager, to ensure their identity to the satisfaction of the learned Chief Judicial Magistrate/Special Judge, Thiruvarur.

(c) On release on bail the petitioners shall not influence, threaten or coerce the witnesses either during trial;

(d) the petitioners shall not abscond during trial;

(e) the petitioner shall appear on the first working day of every month before the learned Chief Judicial Magistrate/Special Judge, Thiruvarur till the disposal of this Criminal Revision by this Court;



(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/ Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Judicial Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]. The learned Judicial Magistrate shall report the matter to the High Court for dismissal of the Criminal Revision and the petitioner shall face the criminal appeal from the prison.

-sd/-
12/10/2021

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/SPECIAL JUDGE,
THIRUVARUR. [TO SUBMIT YOUR REPORT]

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVARUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

COPY TO

1 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.



+1 C.C. to M/S.S.VENKATESAN
charges SR.NO.11448

Advocate on payment of necessary

WEB COPY

Order

in
CRL MP.10607/2021

in
CRL A.481/2021

Date :12/10/2021

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

JPA 18/10/2021