



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.11594 of 2021

IN CRL.A.NO.540 of 2021

M.GOVINDHARAJ

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE REP BY

[RESPONDENT/COMPLAINANT]

THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
KRISHNAGIRI,
KRISHNAGIRI DISTRICT.
(CRIME NO.9/AC/2009/KG)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.540 of 2021 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the Learned Chief Judicial Magistrate (Special Judge), Krishnagiri, in Spl.CC.No.43/2010 dated 25.10.2021 against the petitioner, enlarge the petitioner on bail pending disposal CRL.A.NO.540 of 2021 (IN CRL.MP.NO.11594/2021)

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.540 of 2021 on the file of the High Court and upon hearing the arguments of MR. C.R.MALARVANNAN Advocate for the Petitioner and of MR.C.E.PRATAP Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

Mr. C.E.Pratap, learned Government Advocate(crl. side), takes notice for the respondent.

2. The petitioner, who is the sole accused in Spl.C.C.No.43 of 2010 on the file of the Chief Judicial Magistrate, Krishnagiri, seeks suspension of his sentence of imprisonment.

3. The trial Court, by a judgment dated 25.10.2021, convicted the petitioner/accused and sentenced him as under:



Conviction under Section	Sentence
7 of the Prevention of Corruption Act	Rigorous imprisonment for one year and to pay a fine of Rs.5000/-, in default, to undergo Rigorous imprisonment for six months.
13(2) of the Prevention of Corruption Act	Rigorous imprisonment for one year and to pay a fine of Rs.5000/-, in default, to undergo Rigorous imprisonment for six months.

The Trial Court ordered the sentences to run concurrently.

4. Challenging the above said conviction and sentence, the present appeal has been filed along with this petition for suspension of sentence.

5. The learned counsel appearing for the petitioner submits that entire fine amount has been paid.

6. Heard both sides and perused the impugned judgment and the materials available on record.

7. Taking into consideration of the submission of the learned counsels appearing on both sides, since there are some arguable points involved in the appeal, I am inclined to suspend the substantive sentence of imprisonment alone .

8. Accordingly, pending appeal, substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that he 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 Chief Judicial Magistrate, Krishnagiri, with further condition that he shall appear before the said court once in a month, i.e., on the first working day of every month at 10.30 a.m., until further orders.

-sd/-
18/11/2021

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 CHIEF JUDICIAL MAGISTRATE (SPECIAL JUDGE),
KRISHNAGIRI, KRISHNAGIRI DISTRICT.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S C.R.MALARVANNAN Advocate on payment of necessary
charges SR.NO.12972

Order
in
CRL MP.11594/2021
in
CRL.A.540/2021
Date :18/11/2021

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CSK 22/11/2021