



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.13634 of 2021

IN CRL.A.No.668 of 2021

ARUCHAMY

[PETITIONER / APPELLANT]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
OOTACAMUND.
CRIME NO.3 OF 2008

[RESPONDENT]

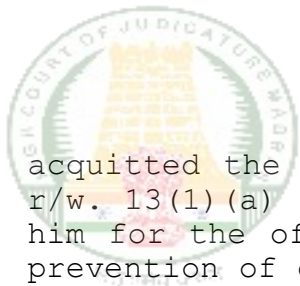
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence of imprisonment imposed in judgment dated 30.11.2021 made in Special C.C.No.14 of 2015 on the file of the Asst.Sessions Judge and Sub ordinate Judge, Ootacamund enlarge the petitioner on bail pending disposal of the Crl.A.No.668 of 2021 before this Honourable Court.

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.K.S.KARTHIK RAJA, 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.14 of 2015 on the file of the learned Assistant Sessions Judge and Subordinate Judge, Ootacamund, seeks suspension of his sentence of imprisonment.

3. The petitioner stood charged with the offences under Sections 7, 13(2) r/w. 13(1)(d) and 13(2) r/w. 13(1)(a) & (d) of the Prevention of Corruption Act. The trial Court, by a judgment dated 30.11.2021,



acquitted the petitioner/accused from the offence under Section 13(2) r/w. 13(1) (a) & (d) of the Prevention of Corruption Act and convicted him for the offences under Sections 7 and 13(2) r/w. 13(1) (d) of the prevention of corruption Act and sentenced him as under:

Conviction under Section	Sentence
7 of Prevention of Corruption Act	Rigorous Imprisonment for 3 years and to pay a fine of Rs.5000/-, in default, to undergo Simple imprisonment for three months.
13(2)r/w. 13(1) (d) of Prevention of Corruption Act	Rigorous Imprisonment for 4 years and to pay a fine of Rs.5000/-, in default, to undergo Simple imprisonment for three 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 case of the prosecution is that when the appellant was working as Executive Engineer in the Rural Development Department, he demanded illegal gratification of Rs.9000/- for counter signing a bill to a contractor. Based on the complaint, a trap was conducted and the petitioner was caught red handed. Hence, a crime was registered in Crime No.3/2008/AC/NI and the petitioner/appellant was arrested. The trial Court, after considering all the evidences, convicted the petitioner.

6. The learned counsel appearing for the petitioner/appellant submitted that the demand itself is not properly proved by the prosecution. P.W.1 has nothing to do with the contract work and on that date, the demand was made under the "Namakku Namey thittam", maintained in the department. That apart, the petitioner/appellant has also offered the valuable explanation. Without considering the same, the Trial Court convicted the petitioner/appellant. He further submitted that fine amount has been paid.

7. The learned Government Advocate (Crl. side) submitted that the petitioner was working as an Assistant Executive Engineer and demanded a sum of Rs.9000/- for counter signing in the bill. Based on the complaint, trap was conducted and he was caught red handed. The explanation offered by him is not a valuable explanation. The Trial Court convicted the petitioner after considering the gravity of the offence, rightly convicted the petitioner/appellant.



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

9. Considering the facts and circumstances and also considering the fact that since there are some arguable points involved in the appeal and pending trial, the petitioner/appellant was on bail and the trial Court also suspended the sentence, this Court is inclined to suspend the substantive sentence of imprisonment alone .

10. 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 learned Assistant Sessions Judge and Subordinate Judge, Ootacamund 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/-
16/12/2021

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 ASSISTANT SESSIONS JUDGE
AND SUBORDINATE JUDGE, OOTACAMUND.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION, OOTACAMUND

3 THE OFFICER INCHARGE,
SUB-JAIL, GUDALUR.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.K.S.KARTHIK RAJA Advocate on payment of necessary
charges SR.NO.14904

Order

in
CRL MP.13634/2021
IN
CRL.A.No.668/2021

Date :16/12/2021

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JPA 16/12/2021