



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.M.P.No.3067 of 2022 in Crl.A.No.247 of 2022

T.Dakshinamurthy

... Petitioner

..Vs..

State rep by
Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
CC-IV, Nandanam,
Chennai - 35

... Respondent

PRAYER: Criminal Miscellaneous petition filed under Section 389(i) of Cr.P.C, to suspend the sentence passed by the learned Special Judge/Chief Judicial Magistrate, Kanchipuram District at Chengalpet in Special C.C.No.05/2010 daed 04.03.2022 and enlarge the petitioner on Bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.P.Ezhil Nilavan

For Respondent : Mr.E.Raj Thilak
Addl.Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed by the the learned Special Judge/Chief Judicial Magistrate, Kanchipuram District at Chengalpet in Special C.C.No.05/2010 dated 04.03.2022 and enlarge the petitioner on Bail, pending disposal of the Criminal Appeal.

2.In and by the judgment of the trial court, petitioner/accused was convicted for the offence under Section under Section 7 of Prevention of Corruption Act and sentenced him to undergo rigorous imprisonment for four years with a fine of Rs.1,000/- in default, to undergo three months simple imprisonment and also convicted the petitioner for the offences under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act and sentenced him to undergo five years rigorous imprisonment with a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment and both the sentences were ordered to run concurrently and against which the present appeal has been filed.



3. Learned counsel for the petitioner/appellant submits that there are serious contradictions as to the date of the complaint, whether it was 13.03.2009 or 14.03.2009. It is also submitted by the learned counsel for the petitioner that P.W.2 alleged that he gave a complaint consisting of two pages, wherein, the complaint runs into four pages and it creates suspicion and therefore, the conviction imposed on the appellant/petitioner is not sustainable.

4. Learned counsel also submits that fine amount has been paid. The petitioner was in custody from 14.03.2009 to 18.03.2009 and again from the date of judgment of the trial court i.e., 04.03.2022, the petitioner is in custody. He would further submit that there are arguable points available in the Criminal Appeal Case, and the Petitioner/accused has got a fair chance of succeeding in the Criminal Appeal Case.

5. Heard the learned Public Prosecutor and perused the materials available on record.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner/accused, this Court is of the view that the petitioner has made out case for grant of suspension of sentence. Accordingly, till the disposal of the Criminal appeal, the reliefs of suspension of sentence and bail are granted, on the following conditions :-

i. The petitioner/accused shall execute own bond for a sum of Rs.25,000/- (Rupees Twenty five Thousand only) with two sureties for a sum of Rs.25,000/- (Rupees Twenty five Thousand only), each for a like sum to the satisfaction of the Special Judge/Chief Judicial Magistrate, Kanchipuram District at Chengalpet within 15 days from the date of receipt of a copy of this order, failing which the bail granted by this court shall stand dismissed automatically and on further conditions that:

ii. The petitioner/accused shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.



7. The Criminal Miscellaneous Petition is ordered accordingly.

-sd/-

09/03/2022

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,
KANCHEEPURAM DISTRICT AT CHENGALPET.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION, CC-IV,
NANDANAM, CHENNAI-35.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE,
SUB JAIL, CHENGALPET.

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

+1C.C. to M/S. P.EZHIL NILAVAN Advocate on payment of necessary charges SR.No.3596

Order
in
CRL MP.3067/2022
in
CRL A.247/2022
Date :09/03/2022

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

CSK 10/03/2022