



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of March Two Thousand Twenty Two

PRESENT

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

CRIMINAL MISCELLANEOUS PETITION No.4127 of 2022

IN CRL A.350/2022

K.SHANMUGAM

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION
ERODE (V AND AC)
(CRIME NO.08/AC/2008/ER)

[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.350/2022 on the file of the High Court, the High Court will be pleased to Suspend the Sentence til the disposal of the appeal by enlarging the petitioner on bail connected in Spl.CC.01/2015 on the file of the Learned Chief Judicial Magistrate Special Judge, Erode District (CRL.MP.NO.4127/2022)

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.350/2022 on the file of the High Court and upon hearing the arguments of M/S.P.EZHIL NILAVAN Advocate for the petitioner and of MR.E.RAJ THILAK Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

This petition is filed to suspend the sentence of imprisonment imposed in the judgment dated 09.03.2022 made in Spl.C.C.No.01 of 2015 on the file of the learned Chief Judicial Magistrate Special Judge, Erode District.



2. Appellant was convicted for the offences under Sections 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.5,000/- in default to pay the fine, to undergo simple imprisonment for three months under Section 7; sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.5,000/-, in default to pay the fine, to undergo three months simple imprisonment under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act. The substantive sentences are ordered to run concurrently.

3. Challenging the same, the present appeal has been filed along with this petition for suspension of sentence.

4. Heard, the learned counsel for the appellant and the learned Additional Public Prosecutor for the respondent.

5. Learned counsel for the appellant submitted that the charge against the appellant is that he demanded a sum of Rs.3,000/- from P.W.2 for converting the witnesses in C.C.No.189/2008 as hostile so that they would not give evidence against him. Incidentally, the witnesses are parents of P.W.2. It is further submitted by him that even before the alleged demand, those witnesses had been examined.

6. However, the learned Additional Public Prosecutor refused this claim and submitted that the first demand was made even prior to the examination of material witnesses in C.C.No.189/2008. The learned counsel for the appellant/petitioner also drew the attention of the Court the evidence of P.W.2 where it is said that the appellant in this case had arrested him in connection with C.C.No.189/2008. It shows that P.W.2 has grudge against the appellant to give a false case against him.

7. Considering the points raised by the learned counsel for the appellant and also arguable points involved in this case and that it may take some time for taking the appeal for final hearing, this Court is inclined to grant suspension the sentence till the disposal of this appeal and the petitioner is ordered to be released on bail on condition that

i) the petitioner 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 Chief Judicial Magistrate / Special Judge, Erode District, Erode, within a period of two weeks from the date of receipt of copy of this order and also;



ii) the petitioner shall appear before the above said Court on the first working day of every English calendar month at 10.30 a.m, until further orders.

WEB COPY

-sd/-
30/03/2022

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 CHIEF JUDICIAL MAGISTRATE
SPECIAL JUDGE, ERODE DISTRICT.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
ERODE (V AND AC), ERODE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S P.EZHIL NILAVAN Advocate on payment of necessary charges SR.No.4748

Order
in
CRL MP.4127/2022
in
CRL A.350/2022
Date :30/03/2022

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

CSK 31/03/2022