



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.4103 of 2022

IN CRL A.346/2022

P.MURUGESAN

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
CHENNAI.
(CR.NO.6/2010.

[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.346/2022 on the file of the High Court, the High Court will be pleased to suspend the sentence till the disposal of the appeal by enlarging the petitioner on Bail concerned in Spl.C.C.No.21 of 2011 on the file of the Learned Chief Judicial Magistrate/Special Judge, Tiruvallur CRL.A.NO.346/2022. (CRL.MP.NO.4103/2022)

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.346/2022 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 14.03.2022 made in Spl.C.C.No.21 of 2011 on the file of the learned Chief Judicial Magistrate/Special Judge, Tiruvallur.



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 three years rigorous imprisonment and to pay a fine of Rs.25,000/- in default to pay the fine, to undergo simple imprisonment for three months under Section 7; sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.25,000/-, 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 petitioner/appellant and the learned Additional Public Prosecutor for the respondent.

5. Learned counsel for the appellant submitted that there are discrepancy with regard to the manner in which the trap proceedings was laid and conducted. The evidence of P.W.3 shows that he misunderstood that a sum of Rs.2,000/- sought for by the appellant for wiring expenses was towards the bribe amount. It is also the evidence of P.W.1, the revenue supervisor of TNEB, that the amount was recovered from the table of the appellant and it was planned by the defacto complainant.

6. In response, the learned Additional Public Prosecutor appearing for the respondent submitted that the trap was properly laid and it was successful.

7. However, considering the arguable points involved in this appeal and in view of the fact that the appeal should be heard elaborately and it takes some time for taking the appeal for final hearing and also the fact that the trial Court has suspended the sentence, this Court is inclined to suspend 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, Tiruvallur, 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, TIRUVALLUR.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S. P.EZHIL NILAVAN Advocate on payment of necessary charges SR.No.4747

Order
in
CRL MP.4103/2022
in
CRL A.346/2022
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