



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL MISCELLANEOUS PETITION No.4365 of 2022

IN CRL.A.NO.369 of 2022

SUBEDHARKHAN
ASSISTANT,
JOINT SUB-REGISTRAR (IN CHARGE),
ARIYALUR,

[PETITIONER/APPELLANT]

Vs

STATE REP BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
ARIYALUR.
(CRIME NO.2/2015)

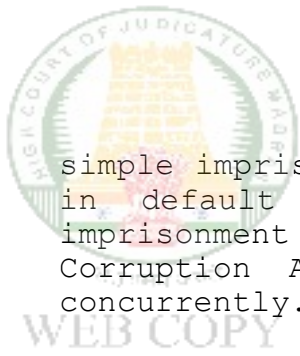
[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Suspend the Sentence imposed on the petitioner in Spl.C.C.1/2015 (CNR No.TNAL 04-000976-2016) on the file of the Chief Judicial Magistrate/Special Court Ariyalur, and enlarge the petitioner on bail pending above Crl.A.No.369 of 2022.

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 V.ILLANCHEZIAN, Advocate for the petitioner, and of M/S.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 11.03.2022 made in Spl.C.C.No.01 of 2016 (CNR No.TNAL 04-000976 - 2016), on the file of the learned Chief Judicial Magistrate/Special Court, Ariyalur.

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 simple imprisonment and to pay a fine of Rs.10,000/- in default to pay the fine, to undergo simple imprisonment for four months under Section 7; sentenced to undergo



simple imprisonment for three years and to pay a fine of Rs.10,000/-, in default to pay the fine, to undergo four 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 the appellant did not demand any bribe and had not received the alleged bribe amount. The bribe amount was kept in the table and it was not received by the appellant.

6. In response, the learned Additional Public Prosecutor appearing for the respondent submitted that there were two demands prior to the trap proceedings and reiteration of demand on the date of trap. The demand was also recorded. The prosecution has proved the case. Therefore, the appellant was convicted and sentenced.

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 listing 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 Court, Ariyalur, within a period of two weeks from the date of receipt of a 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.

-sd/-

04/04/2022

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 COURT, ARIYALUR.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
ARIYALUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S V.ILLANCHEZIAN Advocate on payment of necessary
charges SR.NO.5055

Order

in
CRL MP.4365/2022
in
CRL A.369/2022

Date :04/04/2022

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

TA-05/04/2022