



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL MISCELLANEOUS PETITION No.4727 of 2022

IN CRL.A.No.391 of 2022

N.CHELLADURAI

[PETITIONER / APPELLANT / ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
SPECIAL INVESTIGATION CELL,
VIGILANCE AND ANTI CORRUPTION,
CHENNAI

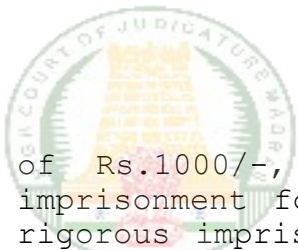
[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Suspend the Sentence passed by the Hon'ble Special Court for the cases under Prevention of Corruption Act Chennai in C.C.1/2015 dated 17.03.2022 convicting the Appellant u/s 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act 1988 and grant bail to the petitioner pending disposal of the above Crl.A.No.391 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 M.RAJAVELU, 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 17.03.2022 made in C.C.No.01 of 2015, on the file of the Special Court for the cases under Prevention of Corruption Act, Chennai.

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.1000/-, 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.1000/-, 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 PW2/defacto complainant has not supported the case of the prosecution, still the learned trial judge has convicted the appellant without any substantive and corroborative evidence. Therefore, prays for suspension of sentence.

6. In response, the learned Additional Public Prosecutor appearing for the respondent submitted that though PW2 had turned hostile, other witnesses had given evidence in support of the prosecution case and therefore, the trial Court convicted the appellant and sentenced him.

7. Considering the points raised by the learned counsel for the appellant and 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, fine amount was already paid, 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 Special Court for the cases under Prevention of Corruption Act, Chennai, 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.

WEB COPY

-sd/-
07/04/2022

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 SPECIAL COURT FOR
THE CASES UNDER PREVENTION OF CORRUPTION ACT,
CHENNAI.

2 THE INSPECTOR OF POLICE,
SPECIAL INVESTIGATION CELL,
VIGILANCE AND ANTI CORRUPTION,
CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S M.RAJAVELU Advocate on payment of necessary
charges SR.NO.5456

Order
in
CRL MP.4727/2022
in
CRL A.391/2022

Date :07/04/2022

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

JPA 08/04/2022