



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Ninth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL MISCELLANEOUS PETITION No.5954 of 2022

IN CRL.A.NO.468 of 2022

M. ARUMUGAM

[PETITIONER/APPELLANT/ACCUSED (SOLE)]

Vs

STATE REP BY

[RESPONDENT/COMPLAINANT]

THE INSPECTOR OF POLICE,
SPECIAL INVESTIGATION DIVISION,
VIGILANCE AND ANTI CORRUPTION,
CHENNAI.
(CR.NO.13/AC/2009/HQ)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.468 of 2022 on the file of the High Court, the High Court will be pleased to suspend the sentence and enlarge the petitioner on bail in Spl.C.C.No. 6 of 2010 dated 19.04.2022 on the file of the Chief Judicial Magistrate Cum Special Judge at Tiruvallur pending disposal of the CRL.A.NO.468/2022. (CRL.MP.NO.5954/2022)

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.468 of 2022 on the file of the High Court and upon hearing the arguments of M/S. K. J. NITHIANANDAM 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 19.04.2022 made in Spl.C.C.No.6 of 2010 on the file of the learned Chief Judicial Magistrate cum Special Judge, Thiruvallur.



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.20,000/- 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.20,000/-, 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.

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 vital and material contradictions between the defacto complainant and trap witnesses as to the place where the bribe amount said to have been given to the appellant/petitioner. One says inside the car and other witness says outside the car. There are other material contradictions as well. There is no order empowering the investigating officer to investigate this case was produced. Thus, he prayed for admission of this appeal and suspension of sentence to the petitioner.

6. In response, the learned Additional Public Prosecutor submitted that the demand of bribe, its acceptance and its recovery were successfully proved by the prosecution.

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 and fine amount imposed is also 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 learned Chief Judicial Magistrate cum Special Judge, Thiruvallur, 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/-
29/04/2022

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 CUM SPECIAL JUDGE,
THIRUVALLUR.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S. K. J. NITHIANANDAM Advocate on payment of
necessary charges SR.No.6591

Order
in
CRL MP.5954/2022
in
CRL.A.468/2022
Date :29/04/2022

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

CSK 29/04/2022