



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.7271 of 2022

IN CRL A.552 of 2022

DEENADAYALAN

[APPELLANT / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
ANTI VIGILANCE AND CORRUPTION WING,
PERAMBALUR DISTRICT

[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 imposed on the appellant in Spl.CC.1/2014 on the file of the Chief Judicial Magistrate Ariyalur dated 20.05.2022 and enlarge the petitioner on bail pending disposal of the above Crl.A.No.552 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 A.SARAVANAN, Advocate for the petitioner and of MR.C.E.PRATAP, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This petition has been filed to suspend the sentence imposed on the Accused in SPL.C.C.No.1 of 2014 on the file of the Chief Judicial Magistrate, Ariyalur dated 20.05.2022 and enlarge the Petitioner on bail pending disposal of the above Criminal Appeal.

2.The Petitioner, who was accused in Spl.C.C.No.1 of 2014, before the learned Chief Judicial Magistrate, Ariyalur, was convicted and sentenced as follows:



The Petitioner was convicted and sentenced for an alleged offence under Section 7 of Prevention of Corruption Act, 1988 and to undergo simple imprisonment of three years and to pay a fine of Rs.10,000/- and in default thereof to undergo 4 months S.I; under Section 13(2) r/w 13(1)(d) Prevention of Corruption Act, 1988 and to undergo simple imprisonment of three years and to pay a fine of Rs.10,000/- and in default thereof to undergo 4 months S.I; to undergo all the above sentence concurrently. Aggrieved over the same, the petitioner/accused has preferred this Appeal.

3.The case of the prosecution is that the Petitioner, who was working as Sub-Registrar, Udayarpalayam in Ariyalur District, by misusing his official position, obtained a sum of Rs.4,000/- (Rupees four thousand only) from the Defacto Complainant as bribe, for doing his official duty of handing over the registered settlement deed bearing Doc.No.627/2013 and Doc.No.628/2016.

4.The learned counsel for the petitioner would submit that there are arguable points available in the Appeal and that the Petitioner herein have got a fair chance of succeeding the appeal and would pray that the substantive sentence imposed against the petitioner may be suspended. He would also submit that the fine amount has been paid.

5.The learned Government Advocate, has raised objections for suspending the sentence.

6.Considering the facts and circumstances of the case, submissions of the learned counsels on either side and also considering the fact that there are arguable points in appeal, this Court is inclined to suspend substantive sentences of imprisonment alone on certain conditions.

7.Accordingly, till the disposal of the Criminal Appeal, the substantive sentences of imprisonment alone is suspended and the Petitioner is ordered to be enlarged on bail, on the following conditions:-

i.The Petitioner shall execute separate bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Ariyalur.



ii. The Petitioner shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

WEB COPY

-sd/-
16/06/2022

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
ARIYALUR

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
PERAMBALUR DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S A.SARAVANAN Advocate on payment of necessary charges SR.NO.9296

Order
in
CRL MP.7271/2022
in
CRL A.552/2022

Date :16/06/2022

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JPA 16/06/2022