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Crl.M.P.No.10467 of 2022
in Crl.A.No.607 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.M.P.No.10467 of 2022
in Crl.A.No.607 of 2022

V.Venkatesan

... Petitioner/Appellant/A1

Vs.

The State of Tamil Nadu represented by
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Erode V & AC,
Crime No.08/AC/2005/ER

... Respondent/Respondent

PRAYER: This Criminal Miscellaneous Petition has been filed under Section 389(1) of Cr.P.C, to suspend the sentence and conviction imposed against the petitioner by judgment dated 08.06.2022 in Spl.C.C.No.4 of 2015 passed by the learned Chief Judicial Magistrate, Special Court under Prevention of Corruption Act Cases, Erode and enlarge the petitioner on bail till the disposal of the above Criminal Appeal.

For Petitioner : Mr.Emilias
for Mrs.V.Kayalvizhi

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of the sentence and conviction imposed against the petitioner/appellant/A1 in Spl.C.C.No.4 of 2015 by the learned Chief Judicial Magistrate, Special Court under Prevention of Corruption Act Cases, Erode vide judgment dated 08.06.2022 and enlarge the petitioner/A1 on bail till the disposal of the above Criminal Appeal.

2. The petitioner herein who was arrayed as 1st accused in Special C.C.No.4 of 2015 was convicted and sentenced by the learned Chief Judicial Magistrate, Special Court under Prevention of Corruption Act Cases, Erode, as follows:

<i>Offence under Section</i>	<i>Sentence</i>
7 of PC Act	To undergo RI for three years and to pay a fine of Rs.5,000/- and in default, to undergo SI for one month.
13(2) r/w 13(1)(d) of PC Act	To undergo RI for three years and to pay a fine of Rs.5,000/- and in default, to undergo SI for one month.
Sentences are directed to run concurrently.	



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3. Challenging the above conviction and sentences, the petitioner/A1 has filed Crl.A.No.607 of 2022 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The case of the prosecution is that the defacto complainant viz., Karthikeyan applied to TNEB, Gobi North, for shifting his EB service connection from bore well to open well on 10.08.2004 and in this regard, he was informed to obtain a “No Objection Certificate” from PWD and accordingly, when he approached PWD office, the petitioner herein/A1 has demanded Rs.30,000/- as bribe and on negotiation, it was finally reduced to Rs.15,000/-. Hence, the complaint.

5. Learned counsel for the petitioner/A1 would submit that the petitioner/A1 was remanded to judicial custody on 28.07.2022 and he has been in custody for more than five days. Further, the learned counsel for the petitioner submitted that the petitioner/A1 suffered Covid and he was under treatment. It is his further submission that there are arguable points available in the appeal and that the petitioner herein/A1 has got a fair chance of succeeding the appeal and would pray that the substantive



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sentence imposed against the petitioner may be suspended. He would also submit that the fine amount has been paid.

6.The learned Government Advocate (Crl. Side) has raised objections for suspending the sentence.

7.Considering the facts and circumstances of the case, submissions of the learned counsels and also considering the fact that the petitioner/A1 is in judicial custody for more than five days and that he suffered Covid and was under treatment and further that there are arguable points in appeal, this Court is inclined to suspend the substantive sentences of imprisonment alone on certain conditions.

8.Accordingly, till the disposal of the Criminal Appeal, the substantive sentences of imprisonment alone is suspended and the petitioner/A1 is ordered to be enlarged on bail, on the following conditions:-

- i. The petitioner/A1 shall execute separate 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 Court



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of learned Chief Judicial Magistrate, Erode, Erode District.

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ii. The petitioner/A1 shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

04.08.2022

Note: Issue order copy today.

Internet: Yes

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To

1. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Erode V & AC.
2. The Chief Judicial Magistrate,
Special Court under Prevention of Corruption Act Cases,
Erode District.
3. The Superintendent of Prison,
Central Jail, Coimbatore.
4. The Public Prosecutor,
High Court, Madras.



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RMT.TEEKAA RAMAN, J.

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