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Crl.M.P.No.19439 of 2022 in Crl.A.No.1285 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2022

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THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl.M.P.No.19439 of 2022

in

Crl.A.No.1285 of 2022

S.R.Venkatesh

... Petitioner

/versus/

The Inspector of Police,
Vigilance and Anti-Corruption,
Ootacamund.

... Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) r/w.439 of Cr.P.C., to suspend the sentence of imprisonment imposed in the judgment dated 13.12.2022 made in Spl. C.C.No.11 of 2015 on the file of the Special Court for Vigilance and Anti-corruption Cases/Assistant Sessions Court/Subordinate Court, Ootacamund, Nilgiris District, and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

For petitioner

... Mr.K.R.Sankaran

For Respondent

... Mr.L.Baskaran,
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner/appellant for the offences



punishable under Sections 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, by the Special Court for Vigilance and Anti-corruption Cases/Assistant Sessions Court/Subordinate Court, Ootacamund, Nilgiris District, in Spl.C.C.No.11 of 2015 and enlarge him on bail pending disposal of the above Criminal Appeal.

2. The petitioner who is the sole accused in Spl.C.C.No.11 of 2015 was convicted and sentenced by the Special Court for Vigilance and Anti-corruption Cases/Assistant Sessions Court/Subordinate Court, Ootacamund, Nilgiris District, as follows:

<i>petitioners's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	Section 7 of Prevention of Corruption Act	To under go three years rigorous imprisonment and to pay a fine of Rs.2000/-
	Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act	to undergo four years rigorous imprisonment and pay a fine of Rs.3000/- and ordered that the sentence to run concurrently.

3. Aggrieved over the conviction and sentence imposed by the learned trial Judge, the appellant has preferred the present Criminal Appeal along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. Heard the learned counsel appearing for the appellant and the



learned Govt. Advocate (Crl.Side) appearing for the State.

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5. The learned counsel for the appellant submitted that there are arguable points in this appeal and the petitioner have a good and fair chance of success in this appeal. He would further submit that the fine amount was already paid and the petitioner is now confined in prison from 13.12.2022. Thus, he prayed for suspension of sentence imposed on the appellant till the disposal of the Criminal Appeal.

6. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the appellant is entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence alone is granted on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum to the satisfaction of the learned Special Court for Vigilance and Anti-corruption Cases/Assistant Sessions Court/Subordinate Court, Ootacamund, Nilgiris District



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- (ii) The petitioner and the sureties shall affix their photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.
- (iii) The petitioner shall appear before the trial Court as and when required.

28.12.2022

ata/lbm

Note : Issue Order copy on 30.12.2022.

To

1. The Special Court for Vigilance and Anti-corruption Cases/Assistant Sessions Court/Subordinate Court, Ootacamund, Nilgiris District,
2. The Inspector of Police,
Vigilance and Anti-Corruption,
Ootacamund.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor
High Court, Madras

A.A.NAKKIRAN.J,



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