



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty First day of October Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP (MD) No.10231 of 2016
IN
CRL A (MD) No.396 of 2016

PRAKASAM

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
SIVAGANGAI DISTRICT
CRIME NO.1/2004

... RESPONDENT/COMPLAINANT
RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed against me in Spl.C.C. No.14/2014 dated 06.10.2016 on the file of the learned Special Court for Prevention of Corruption Act Cases, (Sub Court), Sivagangai and enlarge me on bail.

Order :This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.SUBASH BABU, Advocate for the petitioner and of MR.P.KANDASAMY, Government Advocate(Crl.Side) on behalf of the Respondent the Court made the following order:-

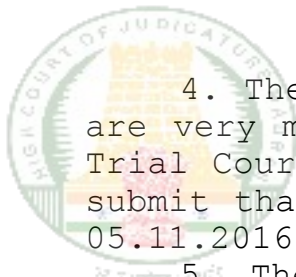
The first accused in Spl.C.C.No.14 of 2014, on the file of the Special Court for Prevention of Corruption Act Cases (Sub Court), Sivagangai, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

2. After trial, he has been convicted and sentenced as under:

Conviction	Sentence
Section 7 of Prevention of Corruption Act	3 years R.I. + Fine Rs.1,000/-, i/d 6 Months R.I.
Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act	3 years R.I. + Fine Rs.1,000/-, i/d 6 Months R.I.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Fine amount has been paid.



4. The learned counsel for the petitioner submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. He would further submit that the lower Court itself has suspended the sentence till 05.11.2016.

5. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner.

6. In the facts and circumstances, perusing the impugned Judgment and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal appeal. They are required to be examined in detail in the main criminal appeal. Further, it will take some time for the disposal of the criminal appeal. On considerations, ordered as under:

(i) Appeal bail granted.

(ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.15,000/- (Rupees fifteen thousand only) with two sureties for the like sum each to the satisfaction of the Special Court for Prevention of Corruption Act Cases (Sub Court), Sivagangai,

(iii) The petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-

21/10/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE SPECIAL COURT FOR PREVENTION OF CORRUPTION ACT CASES
(SUB COURT), SIVAGANGAI.

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

3 THE ADDL.PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.M.SUBASH BABU, Advocate SR.No.62849.

ORDER IN

CRL MP(MD) No.10231 of 2016

IN CRL A(MD) No.396 of 2016

Date :21/10/2016

msm/gsv-pm/Sar-1/24.10.16/p2/5c