



WEB COPY

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

Thursday, the Tenth day of November Two Thousand Sixteen
PRESENT

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

CRL MP(MD) No.10974 of 2016

IN

CRL A(MD) No.427 of 2016

VAIRAMUTHU

... PETITIONER/APELLANT

Vs

STATE REPRESENTED BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTICORRUPTION,
DINDIGUL
CR. NO. 1 OF 2004

... RESPONDENT/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 of imprisonment imposed against the petitioner in the Judgment dated 18.10.2016 in Special C.C NO. 12 of 2014 on the file of the Learned Chief Judicial Magistrate/Special Judge for the Prevention of Corruption Act Cases, Dindigul and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.SARAVANAN, Advocate for the petitioner and of Mr.P.Kandasamy, Government Advocate (Crl.side) on behalf of the Respondent while admitting the Crl.A., the court made the following order:-

The accused in C.C.No.12 of 2014, on the file of the learned Chief Judicial Magistrate / Special Judge for Prevention of Corruption Act Cases, Dindigul, 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
Sections 7 of Prevention of Corruption Act, 1988	6 Months R.I. + Fine Rs.1000/- i/d 1 Month R.I.
Sections 13(2) r/w 13(1) (a) of Prevention of Corruption Act, 1988	1 Year S.I. + Fine Rs.1,000/-, i/d 3 Months S.I.



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 suspension was ordered by the trial Court till 17.11.2016.

5. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner, however, there is no serious objection on the side of the respondent in ordering the suspension of sentence.

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.

7. 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 Chief Judicial Magistrate / Special Judge for P.C., Act Cases, Dindigul.

(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/-

10/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE CHIEF JUDICIAL MAGISTRATE/
SPECIAL JUDGE FOR PC ACT CASES, DINDIGUL

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTICORRUPTION, DINDIGUL

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

+1. C.C. to M/S.M.SARAVANAN Advocate SR.No.67554
sm:MPA:SAR 3:11/11/2016:2P/5C

ORDER IN
CRL MP(MD) No.10974 of 2016 IN
CRL A(MD) No.427 of 2016
Date :10/11/2016