



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

Friday, the Twenty Second day of January Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice M.VENUGOPAL

CRL MP(MD) No.598 of 2016

IN

CRL A(MD) No.20 of 2016

A.K.SUDHARSAN

..APPELLANT/SOLE ACCUSED

Vs.

STATE THROUGH
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
THANJAVUR DISTRICT.
CR. NO. 7/2007

... RESPONDENT/COMPLAINANT

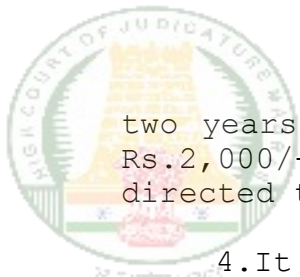
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the sentence imposed against the petitioner in Spl.C.C. No.31 of 2014 dated 28.12.2015 on the file of the Learned Special Court cum Chief Judicial Magistrate, Thanjavur at Kumbakonam and enlarge the petitioner on bail, pending disposal of CRL A(MD)No.20 of 2016.

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:-

Heard both sides.

2.The Appellant/Accused has focussed the instant Criminal Appeal against the Judgment, dated 28.12.2015 in Spl.C.C.No.31 of 2014, passed by the Learned Special Judge-cum-Chief Judicial Magistrate, Thanjavur at Kumbakonam.

3.It transpires that the Petitioner/Appellant/Accused was found guilty in respect of an offence under Section 420 of IPC and was imposed with a punishment of two years Rigorous Imprisonment and also he was directed to pay a fine of Rs.2,000/-, in default of payment of said fine amount, he was directed to undergo further Simple Imprisonment for a period of three months. In respect of an offence under Section 471 of IPC, he was convicted and sentenced to undergo two years Rigorous Imprisonment and was also directed to pay a fine of Rs.2,000/-, in default of payment of said fine amount, he was directed to undergo further three months Simple Imprisonment. In respect of an offence under Section 7 of Prevention of Corruption Act, 1988, he was convicted and sentenced to undergo two years Rigorous Imprisonment and was also directed to pay a fine of Rs.2,000/-, in default of payment of said fine amount, he was directed to undergo further three months Simple Imprisonment. In regard to the offence under Section 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988, he was convicted and sentenced to undergo



two years Rigorous Imprisonment and also directed to pay a fine of Rs.2,000/-, in default of payment of said fine amount, he was directed to undergo further three months Simple Imprisonment.

4.It is represented on behalf of the Petitioner/Appellant/Accused that the Petitioner/Appellant/Accused had remitted the total fine amount of Rs.8,000/- before the trial Court on 28.12.2015 to the credit of Spl.C.C.No.31 of 2014.

5.It is to be borne in mind that an 'Appeal' is a continuation of 'Original Trial Proceedings'. Indeed, filing of an 'Appeal' is a substantive right conferred upon the Petitioner/Appellant/Accused to challenge the validity, legality and correctness of the Judgment of the trial Court in Spl.C.C.No.31 of 2014, as an aggrieved person.

6.At this stage, this Court has perused the numerous grounds set out in the 'Memorandum of Appeal' and is of the earnest view that the Petitioner/Appellant/Accused has raised some substantive/arguable points which are to be looked into and determined finally, at the time of final hearing of the main appeal.

7.Inasmuch as the Petitioner/Appellant/Accused has exercised his right of preferring the present Criminal Appeal before this Court and also this Court bearing in mind another important fact that the present Criminal Appeal is not likely to be heard in the immediate future, at this stage, this Court is inclined to suspend the substantial sentence of imprisonment alone and orders the release of the Petitioner/Appellant/Accused on his executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like-sum to the satisfaction of the Learned Special Judge-cum-Chief Judicial Magistrate, Thanjavur at Kumbakonam and on further condition that the Petitioner/Appellant/Accused shall appear before the said Court on the first working day of every English Calendar month at 11.30 a.m., without fail, till the disposal of the Criminal Appeal.

8.This Miscellaneous Petition is ordered accordingly.

sd/-

22/01/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE SPECIAL JUDGE CUM CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION, THANJAVUR DISTRICT.

+1. C.C. to M/S M.SUBASH BABU Advocate SR.No.3987

akm/22.01.2016/2p-5c/GSV/AN/SAR-II

ORDER

IN CRL MP(MD) No.598 of 2016

IN CRL A(MD) No.20 of 2016

Date :22/01/2016