



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

Monday, the Seventh day of November Two Thousand Sixteen

PRESENT

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

CRL MP(MD) Nos.9635 & 9636 of 2016

IN

CRL A(MD) Nos.364 & 365 of 2016

1 CHANDRAN
2 KANATHASAN,
3 RAMALINGAM

... PETITIONERS/APPELLANTS/ACCUSED NOS.1,2&5
CRL MP(MD) No.9635/ 2016 IN CRL A(MD) No.364 / 2016

1.CHANDRAN
2 RAMALINGAM

...PETITIONERS/APPELLANTS/ACCUSED NOS.1&4
CRL MP(MD) No.9636/ 2016 IN CRL A(MD) No.365 / 2016

Vs

STATE THROUGH:-

THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
RAMANATHAPURAM DISTRICT,
CR. NO. 3 OF 1996

... RESPONDENT/RESPONDENT/
COMPLAINANT
IN ALL THE PETITIONS

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 petitioners in Spl CC 5 of 2005 dated 02.09.2016 on the file of the Chief Judicial Magistrate/Special Court Ramanathapuram and enlarge the petitioners on bail pending disposal of the above Criminal Appeal.

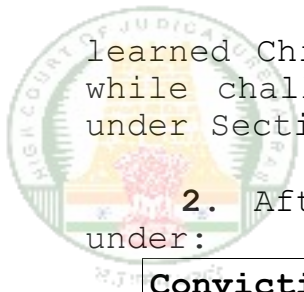
Prayer in CRL MP(MD). 9636/ 2016 IN CRL A(MD) No.365 / 2016:

To suspend the sentence imposed against the petitioner s in Spl CC NO. 6 of 2005 dated 02.09.2016 on the file of the Chief Judicial Magistrate/Special Court, Ramanathapuram and enlarge the petitioner s 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.SUBASH BABU, Advocate for the petitioner and Mr.P.KANDASAMY, Government Advocate(Crl.Side)in both the petitions on behalf of the Respondents the court made the following order:-

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

The accused in Spl.S.C.Nos.5 & 6 of 2005, on the file of the



learned Chief Judicial Magistrate / Special Court, Ramanathapuram, while challenging their conviction and sentence, seek appeal bail under Section 389(1) Cr.P.C.

2. After trial, they have been convicted and sentenced as under:

Conviction	Sentence
Section 120(b) r/w 167 IPC.	1 Year R.I.
Section 409 IPC.	1 Year R.I. + Fine Rs.100/- i/d. 1 Month R.I.
Section 467 IPC.	1 Year R.I. + Fine Rs.100/- i/d. 1 Month R.I.
Section 468 IPC.	1 Year R.I. + Fine Rs.100/- i/d. 1 Month R.I.
Section 471 r/w 468 IPC.	1 Year R.I. + Fine Rs.100/- i/d. 1 Month R.I.
Section 477(A) IPC.	1 Year R.I. + Fine Rs.100/- i/d. 1 Month R.I.
Section 420 IPC.	1 Year R.I. + Fine Rs.100/- i/d. 1 Month R.I.
Sections 13(1) (c) (d) r/w 13(2) of Prevention of Corruption Act, 1998	1 Year R.I. + Fine Rs.100/- i/d. 1 Month R.I.

3. The learned counsel for the petitioners 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 this Court had already granted an order of interim suspension on 04.10.2016.

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

5. 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. Further, this Court had already granted an order of interim suspension on 04.10.2016, till 07.11.2016.

6. On considerations, ordered as under:

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

- (i) Appeal bail already granted is made absolute.
- (ii) Substantial sentence alone is suspended on



condition that each petitioners shall execute a bond for Rs.15,000/- (Rupees Fifteen thousand only) with two sureties each for the like sum each to the satisfaction of the Chief Judicial Magistrate / Special Court, Ramanathapuram.

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

sd/-
07/11/2016

/ TRUE COPY /

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

TO

1 THE CHIEF JUDICIAL MAGISTRATE SPECIAL COURT,
RAMANATHAPURAM.

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

3 THE DEPUTY SUPERINTENDENT
OF POLICE, VIGILANCE AND ANTI CORRUPTION WING,
RAMANATHAPURAM DISTRICT

+5. C.C. to M/S.M.SUBASH BABU Advocate SR.No.66608,66609

JAM/09.11.16/KP/SAR i/3p- 9c

ORDER
IN
CRL MP (MD) No.9635 of 2016
IN
CRL A (MD) No.364 of 2016
Date :07/11/2016