



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

Wednesday, the Eighth day of November Two Thousand Seventeen

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PRESENT

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

CRL MP (MD) No.10133 of 2017

IN

CRL A (MD) No.448 of 2017

GNANASEKARAN

... PETITIONER/ APPELLANT

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
MADURAI.

CRIME NO.2/2013

... RESPONDENT/ RESPONDENT

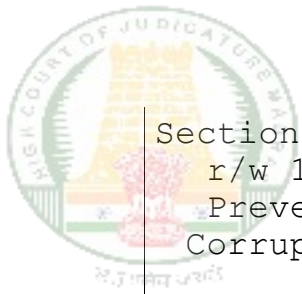
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner by the Judgement in S.C.No.1 of 2015 dated 31/10/2017 on the file of the Learned Special Judge for Vigilance and Anti-Corruption Cases, Madurai and grant bail to the petitioner pending disposal of the above Crl.A

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.T.A.EBENEZER, Advocate for the petitioner and of M/S.T.MOHAN, Additional Public Prosecutor on behalf of the Respondent, While admitting the CRL A, the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Petitioner /A1/ Appellant, praying to suspend the sentence of imprisonment imposed on him, by the learned Special Court for Vigilance and Anti-Corruption Cases, Madurai, in its order dated 31.10.2017 in S.C.No.1 of 2015 pending disposal of the above Criminal Appeal.

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

Conviction	Sentence
Section 7 of Prevention of Corruption Act,	3 years S.I./R.I. + Fine of Rs.3,000/- i/d 4 months S.I./R.I.



Section 13 (1) (d) r/w 13 (2) of Prevention of Corruption Act, 1988	3 years S.I./R.I. + Fine of Rs.3,000/- i/d 4 months S.I./R.I.
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3. Both sentences were recorded concurrently. Fine amount has been paid by the petitioner. The Trial Court has also suspended the sentence from 31.10.2017 to 30.11.2017. The appellant preferred the present appeal against the judgment of the Trial Court.

4. The learned counsel appearing for the appellant submitted that the de facto complainant in this case turned hostile during cross examination and he did not support the case of the prosecution. He further submitted that the appellant is having arguable points in this appeal and he is having a prima facie case in his favour.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the P.W.2 turned hostile during examination and Trial Court has rightly convicted the accused on the basis of the evidence adduced by the prosecution during trial and the appellant is not having any prima facie case in the appeal. However, the learned Additional Public Prosecutor has no serious objection to grant an order of suspension since the Trial Court itself suspended the sentence for a particular period.

6. This Court heard the submissions made by the learned counsel appearing for the appellant and the learned Additional Public Prosecutor appearing for the respondent and also perused the materials available on record, including the impugned Judgment of the Court below.

7. Considering the above facts and circumstances of the case, this Court is of the view that there are certain arguable points involved in this Criminal Appeal and they are required to be examined in detail in the main Appeal. I see prima facie case in favour of the appellant, for grant of an order of suspension.

8. On considerations, ordered as under:-

(i) Appeal bail granted.

(ii) Sentence of imprisonment ordered by the trial Court alone is suspended, till the disposal of the appeal.

(iii) There shall be two sureties and they shall execute a bond for Rs.15,000/- (Rupees Fifteen Thousand Only) each to the satisfaction of the learned Special Judge for Vigilance and Anti-Corruption Cases, Madurai.



(iv) The appellant shall appear before the said Court on the first working day of every month at 10.30 am., until further orders.

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sd/-
08/11/2017

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

TO

1. THE SPECIAL JUDGE FOR VIGILANCE AND ANTI-CORRUPTION CASES,
MADURAI.
2. THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.T.A.EBENEZER Advocate SR.No.34031

ORDER
IN
CRL MP (MD) No.10133 of 2017
IN
CRL A (MD) No.448 of 2017
Date :08/11/2017

MS/PM-PN/SAR.3/09.11.2017/3P.5C