



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

Wednesday, the Eighth day of November Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.10143 of 2017
IN
CRL A(MD) No.449 of 2017

L.DURAIRAJ

... PETITIONER/APPELLANT/SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION, MADURAI,
CRIME NO.29/2009

... RESPONDENT/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 to the Appellant/Sole accused against the Judgement dated 24/10/2017 Special Case C.C.No.79/2011 on the file of the Learned Special Court for Trail of Prevention of Corruption Act Cases, Madurai District in Crime No.29/2009 on the file of the Respondent Police, 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 MR.R.GANESHPRABU for M/S.AJMAL ASSOCIATES, Advocate for the petitioner and of MR.T.MOHAN Additional Public Prosecutor on behalf of the Respondent while admitting Criminal Appeal the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Petitioner / sole accused / Appellant, praying to suspend the sentence of imprisonment imposed on him, by the learned Special Court for Trial of Prevention of Corruption Cases, Madurai, in its order dated 24.09.2017 in Spl.C.C.No.79 of 2011 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 1988	2 years S.I. + Fine of Rs.2,500/- i/d 4 months S.I.



Section 13 (1) (d)
r/w 13 (2) of
Prevention of
Corruption Act,
1988

2 years S.I. + Fine of Rs.2,500/- i/d 4
months S.I.

3. Fine amount has been paid by the petitioner. The Trial Court itself has suspended the sentence from 24.10.2017 to 24.11.2017. The present appeal is preferred against the conviction order of the Trial Court.

4. The learned counsel appearing for the appellant submitted that the appellant is the Commercial Tax Officer and also in-charge the post of Assistant Commissioner. It is stated that during his service period, he demanded a sum of Rs.5,000/- and received a sum of Rs.1,000/- in advance and thereafter, he received a sum of Rs.3,000/- from P.W.2, who is the complainant in this case. There are contradictions in the evidence of the prosecution in respect of demand as well as the acceptance of the bribe money. 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 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 Court for Trial of Prevention of 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.

sd/-
08/11/2017

/ TRUE COPY /

WEB COPY

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

TO

- 1 THE JUDGE,
SPECIAL COURT FOR TRIAL OF PREVENTION OF 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.AJMAL ASSOCIATES Advocate SR.No.34023

ORDER
IN
CRL MP (MD) No.10143 of 2017
IN
CRL A (MD) No.449 of 2017
Date :08/11/2017

MKV-PM-PN-SAR 4/8.11.2017/3P-5C