



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

Wednesday, the Twenty Second day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP (MD) No.1061 of 2017
IN
CRL A (MD) No.34 of 2017

SOUNDARARAJAN

... APPELLANT / ACCUSED NO.3

Vs

STATE THROUGH
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION CEL,
VIRUDHUNAGAR DT.
(CRIME NO.2/1999)

... RESPONDENT / COMPLAINANT

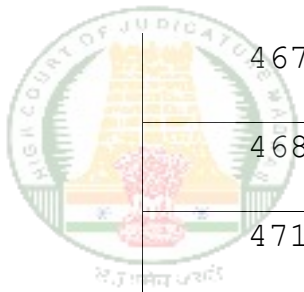
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed against the appellant in Special C.C.No.18/2014 on the file of the Honourable Special Court for Vigilance and Anti corruption cum Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur dated 10/01/2017 and release him on bail till the disposal of the appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.ALAGUMANI, Advocate for the petitioner and of MRS.S.PRABHA, Government Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The petitioner/third accused in Special C.C.No.18 of 2014, on the file of learned Special Court for Vigilance and Anti Corruption Cum Chief Judicial Magistrate, Virudunagar District at Srivilliputhur, while challenging the conviction and sentence, seeks appeal bail under Section 389 (i) Cr.P.C.

2. After trial, the petitioner/accused has been convicted and sentenced as under:

Conviction under Sections	Sentence
120-B I.P.C	Three months S.I, Rs.5,000/- fine, i/d to undergo one month S.I.
409 r/w 109 I.P.C	Five years S.I, Rs.10,000/- fine, I/d to undergo three months S.I



467 I.P.C	Three years S.I, Rs.10,000/- fine, i/d to undergo three months S.I
468 I.P.C	Three years S.I, Rs.10,000/- fine, i/d to undergo three months S.I
471 I.P.C	Three years S.I, Rs.10,000/- fine, i/d to undergo three months S.I
13(2) r/w 13(1) (c) & (d) of Prevention of Corruption Act, 1988	Five years S.I, Rs.20,000/- fine, i/d to undergo three months S.I

Against which, the present appeal is filed.

3. The learned counsel for the petitioner submitted that the petitioner is a Noon Meal Organizer and there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised.

4. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioners.

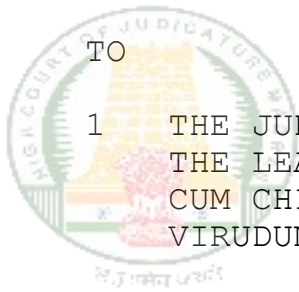
5. In the facts and circumstances and also considering the fact that the petitioner is a Noon Meal Organizer, perusing the impugned Judgment and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal appeal. They are required to be examined in detail in the main criminal appeal. Further, it will take some time for the disposal of the criminal appeal. 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.10,000/- (Rupees ten thousand only) with two sureties for the likesum each to the satisfaction of the learned Chief Judicial Magistrate, Virudhunagar.
 - (iii) On such release, the petitioner shall report before the learned Chief Judicial Magistrate, Virudhunagar on the first and fifteenth days of every month at 10.30 a.m until further orders.
- The Registry is directed to post the criminal appeal on 22.03.2017.

sd/-
22/02/2017

/ TRUE COPY /

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



TO

1 THE JUDGE,
THE LEARNED SPECIAL COURT FOR VIGILANCE AND ANTI CORRUPTION
CUM CHIEF CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION CEL,
VIRUDHUNAGAR DISTRICT

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

+1. C.C. to M/S.R.ALAGUMANI Advocate SR.No.9891

ORDER

IN

CRL MP (MD) No.1061 of 2017

IN

CRL A (MD) No.34 of 2017

Date :22/02/2017

JS/PM/PN/28.02.2017/SAR 1/3P-7C