



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

Friday, the Eighth day of December Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.11173 of 2017
IN
CRL A(MD) No.492 of 2017

PASUPATHI,

... PETITIONER/APPELLANT/A-2

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTICORRUPTION WING,
THANJAVUR, THANJAVUR DISTRICT.
(CRIME NO.7 OF 2010)

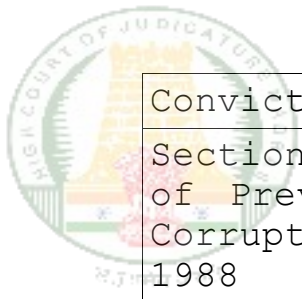
... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the Petitioner on bail by SUSPENDING THE SENTENCE imposed upon him in Special Case No.30 of 2014 on the file of the Learned Special Judge, cum Chief Judicial Magistrate, Thanjavur at Kumbakonam, Thanjavur District by Judgment dated 29.11.2017 pending disposal of the main Criminal Appeal and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A.THIRUVADI KUMAR, Advocate for the petitioner and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public prosecutor for the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Petitioner / A2 / Appellant, praying to suspend the sentence of imprisonment imposed on him, by the learned Special Judge Cum Chief Judicial Magistrate, Thanjavur at Kumbakonam, in its order dated 29.11.2017 in Special Case No.30 of 2014 pending disposal of the above Criminal Appeal.

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



Conviction	Sentence
Section 12 r/w 7 of Prevention of Corruption Act, 1988	1 year R.I + Fine of Rs.1,000/-, i/d 3 months S.I.

WEB COPY

3. Fine amount imposed by the trial Court has been paid by the petitioner. Suspension of sentence of imprisonment has been ordered by the trial Court till 03.01.2018.

4. The learned counsel appearing for the petitioner / appellant submitted that the the alleged demand of bribe is not proved in this case. He also submitted that the complainant, who was examined PW1, has turned hostile and did not support the case of the prosecution. PW2 was also admitted in the cross examination that at the time of handed over the receipt to A1 by the complainant, the document was given to the complainant himself. He further submitted that the petitioner / appellant is having arguable points in this appeal and he is having a prima facie case in his favour and the petitioner was on bail during trial.

5. The learned Additional Public Prosecutor appearing for the respondent, on instructions, 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 petitioner / 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 is suspended sentence of imprisonment for a particular period and also considering the imprisonment awarded by the trial Court.

6. This Court heard the submissions made by the learned counsel appearing for the petitioner / 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 petitioner / appellant, for grant of an order of suspension.



(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 Cum Chief Judicial Magistrate, Thanjavur at Kumbakonam, Thanjavur District.

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

sd/-
08/12/2017

/ TRUE COPY /

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

TO

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

+1. C.C. to M/S.A.THIRUVADI KUMAR Advocate SR.No.35892

VSA
GJM/RR/SAR-I-12.12.2017-3P-5C

ORDER
IN
CRL MP(MD) No.11173 of 2017
IN
CRL A(MD) No.492 of 2017
Date :08/12/2017