



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

Wednesday, the Thirteenth day of December Two Thousand Seventeen
PRESENT

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

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CRL MP(MD) No.11288 of 2017
IN
CRL A(MD) No.496 of 2017

PONNANGAN

... PETITIONER/ APPELLANT/ SOLE ACCUSED
Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
MADURAI.
CRIME NO.7/2009

... RESPONDENT/ RESPONDENT/ COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioner by the Learned Special Court for Prevention of Corruption Act Cases, Madurai in Special Case No.30 of 2011 dated 30/11/2017 and enlarge the bail pending disposal of the above Crl.A.

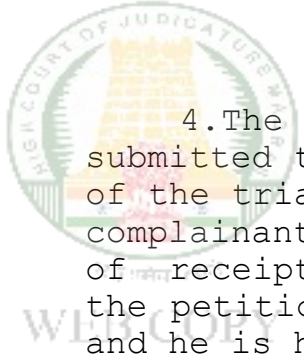
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.JEGADEESH PANDIAN, Advocate for the petitioner and of M/S.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent, While admitting CRL.A, the 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 Prevention of Corruption Act Cases, Madurai, in its order dated 30.11.2017 in Spl.C.No.30 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./R.I. + Fine of Rs.1,500/- i/d 3 months S.I./R.I.
Section 13(1) (d) r/w 13(2) of Prevention of Corruption Act, 1988	2 years S.I./R.I. + Fine of Rs.1,500/- i/d 3 months S.I./R.I.

3.Fine amount has been paid by the petitioner. The Trial Court itself suspended the sentence till 21.12.2017. The petitioner was working as a VAO on the date of occurrence.



4.The learned counsel appearing for the petitioner / appellant submitted that the de facto complainant died before the commencement of the trial. P.W.2 & P.W.3, who have accompanied with the de facto complainant at the time of trap, was not corroborated with evidence of receipt of bribe amount in this case. 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.

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 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 suspended the sentence for a particular period.

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.

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 Prevention of Corruption Act Cases, Madurai.
- (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/-
13/12/2017

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TO

1. THE JUDGE,
SPECIAL COURT FOR PREVENTION OF CORRUPTION ACT CASES,
MADURAI.

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

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

+1. C.C. to M/S.M.JEGADEESH PANDIAN Advocate SR.No.36247

ORDER

IN

CRL MP (MD) No.11288 of 2017

IN

CRL A (MD) No.496 of 2017

Date :13/12/2017

gns

MS/CM-VR/SAR.4/14.12.2017/3P.5C