



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

Thursday, the Twenty First day of December Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.11614 of 2017

IN

CRL A(MD) No.522 of 2017

S.TAMILSELVAN

... APPELLANT / SOLE ACCUSED

Vs

STATE THROUGH

THE DEPUTY SUPERINTENDENT OF POLICE,

VIGILANCE AND ANTI CORRUPTION,

SIVAGANGAI DISTRICT ,

CR NO. 13/2005.

... 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 me in Spl.C.C No. 16/2014 dated 15.12.2017 on the file of the special Court for Trial cases under Prevention of Corruption Act, Sivagangai and enlarge him on bail pending disposal of the above Criminal Appeal.

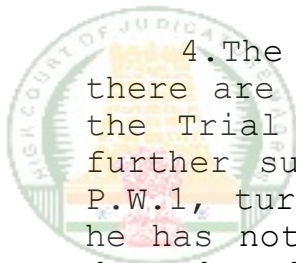
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.SUBASH BABU, Advocate for the petitioner and of Mr.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the CRLA ., the court made the following order:-

The accused in Special S.C.No.16 of 2014 on the file of the Special Court for Trial of Cases under Prevention of Corruption Act, Sivagangai, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

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

Conviction	Sentence
Section 7 of P.C.Act	3 years R.I. + Fine of Rs.1000/- i/d 6 months R.I.
Section 13(2) r/w 13 (1) (d) of P.C.Act	3 years R.I. + Fine of Rs.1000/- i/d 6 months S.I.

3.The present Appeal is preferred against the order of conviction passed by the trial Court. The petitioner is the sole accused in this case. Fine amount was paid and the Trial Court has also suspended the sentenced as per order in Crl.M.P.No.559 of 2017 till 12.01.2018.



4.The learned counsel appearing for the petitioner submits that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. He would further submit that the de facto complainant, who was examined as P.W.1, turned hostile during examination before the Trial Court and he has not supported the case of the prosecution in respect of the demand and acceptance of bribe amount. He further submitted that the accused was not examined in respect of the alleged recovery of bribe amount by the trap laying officer which is fatal to the case of the prosecution. He submits that the petitioner is having prima facie case in this Criminal Appeal.

5.The learned Additional Public Prosecutor appearing for the respondent submits that on appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner / accused and the petitioner is not having any prima facie case. However, he has no objection in suspending the sentence imposed by the Trial Court.

6.In the facts and circumstances, 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.

7.On considerations, ordered as under:

(i) Appeal bail is granted.

(ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.15,000/- (Rupees Fifteen thousand only) with two sureties each for the like sum each to the satisfaction of the learned Special Court for Trial of Cases under Prevention of Corruption Act, Sivagangai.

(iii) The petitioner shall appear before the said Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

sd/-

21/12/2017

/ TRUE COPY /

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

TO

1 THE JUDGE, SPECIAL COURT FOR
TRIAL OF CASES UNDER PREVENTION OF
CORRUPTION ACT, SIVAGANGAI



2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SIVAGANGAI DISTRICT

+1. C.C. to Mr.M.SUBASH BABU Advocate SR.No.36866

JAM/26.12.17/PN/ SAR 4 / 2p-4c

ORDER

IN

CRL MP (MD) No.11614 of 2017

IN

CRL A (MD) No.522 of 2017

Date :21/12/2017