



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

Thursday, the Sixteenth day of March Two Thousand Seventeen

PRESENT

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

WEB COPY

CRL MP(MD) No.2296 of 2017

IN

CRL A(MD) No.88 of 2017

DEIVANAYAKI

...Petitioner/Appellant/Accused No.2

Vs

STATE REP BY

THE INSPECTOR OF POLICE

VIGILANCE AND ANTI CORRUPTION,

TRICHY,

(CRIME NO.10/2002)

... 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 granted by Learned Special Judge (Vigilance and Anti Corruption Cases), Tiruchirappalli dated 28/02/2017 in Spl.Case.No.75/2011 till the disposal of the appeal.

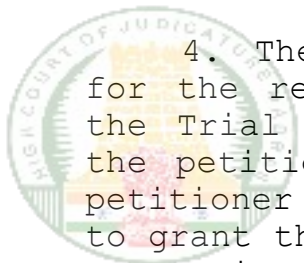
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.LAKSHMIGOPINATHAN, Advocate for M/S.POLAX LEGAL SOLUTIONS, Advocate for the petitioner and of M/S.P.KANDASAMY Government Advocate (Crl.Side) on behalf of the Respondents the court made the following order:-

The accused in Spl. Case No.75 of 2011, on the file of the Special Court for Vigilance and Anti-corruption Cases, Trichy, while challenging her conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

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

Conviction	Sentence
Sections 109 and 13 (2) r/w 13(1)(e) of Prevention of Corruption Act, 1988.	1 Year R.I., + Fine of Rs.1000/- i/d 1 Month S.I.

3. The learned counsel appearing for the petitioner submitted 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 trial Court has also suspended the sentence in respect of the appellant herein till 28.03.2017 and the fine amount was also paid by the petitioner herein. The petitioner is in this case and A1 is the husband of the petitioner herein and he died.



4. The learned Government Advocate (Criminal Side) appearing for the respondent states that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner and there is no prima facie case in favour of the petitioner herein, however, he has not raised any serious objection to grant the order of suspension in favour of the petitioner, since suspension was ordered by the trial Court in this case upto 23.03.2017.

5. 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.

6. On considerations, ordered as under:

(i) Appeal bail granted.

(ii) Substantial sentence alone is suspended on condition that the each petitioner shall execute a bond for Rs.15,000/- (Rupees Fifteen thousand only) with two sureties for the like sum each to the satisfaction of the learned the the Special Judge (Vigilance and Anti-corruption Cases), Trichy

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

sd/-

16/03/2017

/ TRUE COPY /

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

TO

1. THE SPECIAL JUDGE
(Vigilance and Anti-corruption Cases),
Trichy.

2. THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION, TRICHY.

+1. C.C. to M/S.POLAX LEGAL SOLUTIONS Advocate SR.No.15016

ORDER

IN

CRL MP(MD) No.2296 of 2017

IN

CRL A(MD) No.88 of 2017

Date :16/03/2017