



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

Wednesday, the Twenty Sixth day of April Two Thousand Seventeen

PRESENT

WEB COPY

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

CRL MP(MD) No.3706 of 2017
IN
CRL A(MD) No.132 of 2017

M. SAKTHIVEL ... PETITIONER / APPELLANT / ACCUSED 2
Vs
STATE REP BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
TIRUNELVELI,
CRIME NO.4/2009 ... RESPONDENT / 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 in Special Case No.47/2014 by the Special Court for Trial of Prevention of Corruption Act Cases, Tirunelveli dated 11/04/2017 and enlarge the petitioner on bail pending disposal of the above main 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.S.RAVI, Advocate for the petitioner and of MR.P.KANDASAMY, Government Advocate(Criminal Side) on behalf of the Respondent the court made the following order:-

The second accused in Special Case No.47 of 2014, on the file of the Special Court for trial of Prevention of Corruption Act Cases, Tirunelveli, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) r/w 439 of Cr.P.C.

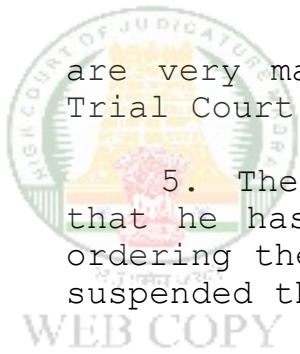
2. After trial, he has been convicted and sentenced as under:

Conviction	Sentence
Section 7 of Prevention of Corruption Act,1988	3 years R.I. + Fine Rs.5,000/-, i/d 5 Months S.I.
Section 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988	3 years R.I. + Fine Rs.5,000/-, i/d 5 Months S.I.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Fine amount has been paid and the trial Court suspended the sentence till 10.05.2017.

4. The learned counsel 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.

5. The learned Government Advocate (Criminal Side) submitted that he has no serious objection on the side of the respondent in ordering the suspension of sentence, since the trial Court itself has suspended the sentence for a particular period.

6. Considering the facts and circumstances of the case, 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 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 for the like sum each to the satisfaction of the learned Special Judge for trial of Prevention of Corruption Act Cases, Tirunelveli,

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

sd/-

26/04/2017

/ 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 PREVENTION OF CORRUPTION ACT CASES,
TIRUNELVELI

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION, TIRUNELVELI,

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

+1. C.C. to M/S.S.RAVI Advocate SR.No.21272

ORDER

IN

CRL MP(MD) No.3706 of 2017

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Date :26/04/2017