



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

Thursday, the Fourth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice N.AUTHINATHAN

CRL MP(MD) No.3974 of 2017
IN
CRL A(MD) No.141 of 2017

B. ARUNACHALAM

...APPELLANT/ ACCUSED(SINGLE)

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION DETACHMENT,
NAGERCOIL, KANYAKUMARI DISTRICT,
(CRIME NO.9/2006 REGISTERED AT V & AC WING,
TIRUNELVELI) ... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge him on bail by suspending the sentence imposed by the Special Court for Trial of Cases Under Prevention of Corruption Act, Tirunelveli in Special Case No.33/2014 vide its judgement dated 26/04/2017 pending the disposal of the main criminal appeal.

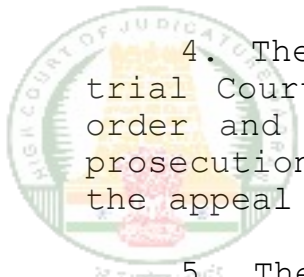
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.ANAND, Advocate for the petitioner and of M/S. K.ANBARASAN , Government Advocate on behalf of the Respondents the court made the following order:-

Heard both sides.

2. The petitioner is an accused in Special Case No.33 of 2014. He has been convicted and sentenced by the learned Special Judge for Trial of Cases under Prevention of Corruption Act, Tirunelveli, dated 26.04.2017, to undergo Rigorous Imprisonment for three years with a fine of Rs.5,000/- in default to undergo Simple Imprisonment for five months for the offence under Section 7 of the Prevention of Corruption Act, 1988, and to undergo Rigorous Imprisonment for three years with a fine of Rs.5,000/- in default to undergo Simple Imprisonment for five months for the offence under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, and the above sentences were ordered to run concurrently.

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

3. It is said that the fine amount imposed upon the petitioner has been paid by him.



4. The learned counsel for the petitioner submitted that the trial Court failed to take note of the invalidity of the sanction order and also failed to consider the various infirmities in the prosecution case and that therefore, there are arguable points in the appeal and he prayed for Suspension of Sentence.

5. The learned Government Advocate (Criminal Side) submitted that the trial Court after considering the materials available on record, has rightly convicted the petitioner and imposed the punishments.

6. I have perused the grounds of appeal. There are arguable points. The Appeal is filed without delay. The Trial Court also suspended the sentence of imprisonment. The petitioner has been sentenced to undergo a fixed period of seven years. The Appeal will take some time for disposal. Taking all these circumstances into consideration, I am inclined to suspend the sentence of imprisonment alone till the disposal of the appeal.

7. Hence the substantive sentence of imprisonment imposed upon the petitioner by the lower Court alone is hereby suspended till disposal of the appeal, and the petitioner is ordered to be enlarged on bail on his executing 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 cases under Prevention of Corruption Act Cases, Tirunelveli, within two weeks from the date of receipt of a copy of this Order and on condition that the petitioner shall appear before the said Court on the first working day of every English calendar month at 10.30 a.m., without fail, until further orders.

sd/-
04/05/2017

/ TRUE COPY /

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

TO

1. THE SPECIAL JUDGE FOR TRIAL OF CASES
UNDER PREVENTION OF CORRUPTION ACT CASES, TIRUNELVELI
2. THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION DETACHMENT,
NAGERCOIL, KANYAKUMARI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.R.ANAND Advocate SR.No.21888

ORDER IN
CRL MP(MD) No.3974 of 2017
IN
CRL A(MD) No.141 of 2017
Date :04/05/2017