



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

Friday, the Ninth day of June Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.4665 of 2017
IN
CRL A(MD) No.163 of 2017

MAHALAKSHMI

... PETITIONER/APPELLANT/ACCUSED NO.4

Vs

STATE THROUGH
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION UNIT,
VIRUDHUNAGAR,
CRIME NO.5/2007

... RESPONDENT/RESPONDENT/COMPLAINANT

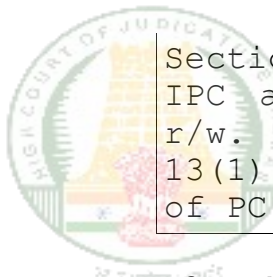
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of imprisonment imposed against the petitioners/appellants/A4 in the judgement dated 16/05/2017 pronounced by the Learned Chief Judicial Magistrate/Special Judge for Prevention of Corruption Act Cases, Virudhunagar District at Srivilliputhur in Special C.C.No.44/2014 and enlarge them on 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.V.SASI KUMAR, Advocate for the petitioner and of MR.C.MAYIL VAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the Crl.A., the court made the following order:-

The petitioner / A4 is the accused in Spl.C.C.No.44 of 2014 on the file of the learned Chief Judicial Magistrate / Special Judge for Prevention of Corruption Act Cases, Virudhunagar District at Srivilliputur, dated 16.05.2017.

2. After trial, the petitioner / A4 has been convicted and sentenced as under:-

Conviction	Sentence
Section 120(b) of IPC	6 months RI + Rs.1,000/- fine i/d 1 month SI
Section 467 of IPC	2 years RI + Rs.20,000/- i/d 6 months SI



Section 468, 471 and 420 of IPC and Section 409 of IPC r/w. 109 of IPC and Section 13(1)(c) and (d) r/w. 13(2) of PC Act	3 years RI + Rs.20,000/- fine for each offences i/d 1 year SI for each offences
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3. The learned counsel appearing for the petitioner states that co-accused were granted an order of interim suspension of sentence, as per the order passed by this Court dated 25.05.2017 in CrI.M.P. (MD)Nos.4259 of 2017, 4260 to 4263 of 2017 and 4264 of 2017 in CrI.A (MD)Nos.151 to 153 of 2017 and the fine amount was also paid by the petitioner herein and the copy of the receipt also produced. The trial Court has also suspended the sentence for one month from the date of Judgment in CrI.M.P.No.1313 of 2017, on the file of the learned learned Chief Judicial Magistrate / Special Judge for Prevention of Corruption Act Cases, Virudhunagar District at Srivilliputur.

4. The counsel for the petitioner further contended that the petitioner herein / A4 is the Junior Assistant, under the control of A1 in this case. A13 is the main culprit, who is an agent and he has forged the amount mentioned in the certificate and on the basis of the said certificate, the petitioner and other accused has taken steps to disburse the amount.

5. 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. There is *prima facie* case in favour of the petitioner. He also submitted that the petitioner is having arguable points in this appeal and he is having *prima facie* case.

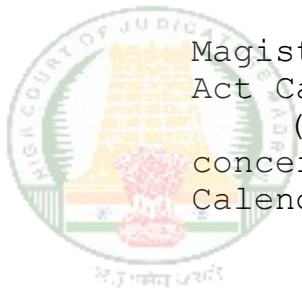
6. Mr. C. Mayil Vahana Rajendran, learned Additional Public Prosecutor appearing for the respondent states that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner and there is no *prima facie* case in favour of the petitioner herein, however, he has not raised any serious objection to grant the order of suspension in favour of the petitioner.

7. 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.

8. On considerations, ordered as under:-

(i) Appeal bail granted.

(ii) Substantial sentence alone is suspended till the disposal of appeal, 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 Chief Judicial



Magistrate / Special Judge for Prevention of Corruption Act Cases, Virudhunagar District at Srivilliputur
(iii) The petitioner shall appear before the concerned Court on the first working day of every English Calender month at 10.30 a.m., until further orders.

sd/-

09/06/2017

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

TO

- 1 THE SPECIAL JUDGE FOR PREVENTION OF CORRUPTION CASES AND THE CHIEF JUDICIAL MAGISTRATE, SRIVILLIPUTHUR.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE, VIGILANCE AND ANTI CORRUPTION UNIT, VIRUDHUNAGAR.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.V.SASI KUMAR, Advocate SR.No.23938

CSL/BS/SAR-IV/13.06.2017 : 3P/5C

ORDER

IN

CRL MP(MD) No.4665 of 2017

IN

CRL A(MD) No.163 of 2017

Date :09/06/2017