



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

Wednesday, the Twenty First day of June Two Thousand Seventeen

PRESENT

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

CRL MP (MD) No.5274 of 2017
IN
CRL A (MD) No.188 of 2017

POOMALAI

... PETITIONER/APPELLANT/
ACCUSED NO.11

Vs

THE STATE REP.BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
VIRUDHUNAGAR DISTRICT
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 operation and execution of sentence imposed by the Learned Special Judge for Prevention of Anti Corruption Cases and Chief Judicial Magistrate, Srivilliputhur at Virudhunagar District in Special C.C No. 44/2014 dated 16/05/2017 till the disposal of appeal and may be pleased to enlarge the above Petitioner/Appellant on bail till the disposal of pending appeal and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.G.MARIAPPAN, Advocate for the petitioner and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor, on behalf of the Respondent the court made the following order:-

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

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

Conviction	Sentence
Section 120(B) IPC	6 months RI + Rs.1000/- fine i/d. one month SI
Section 467 IPC	2 years RI + Rs.20,000/- fine i/d 6 months SI



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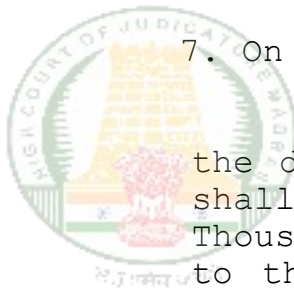
Section 468 IPC	3 years RI + Rs.20,000/- fine i/d one year SI
Section 471 IPC	3 years RI + Rs.20,000/- fine i/d one year SI
Section 420 IPC	3 years RI + Rs.20,000/- fine i/d one year SI
Section 409 IPC	3 years RI + Rs.20,000/- fine i/d one year SI
Section 409 r/w. 109 IPC	3 years RI + Rs.20,000/- fine i/d one year SI
Section 13(1)(c) and (d) and 13(2) of Prevention of Corruption Act	3 years RI + Rs.20,000/- fine i/d. one year SI

3. The learned counsel appearing for the petitioner states that the petitioner is in Jail from the date of Judgment viz., 16.05.2017 and the fine imposed by the trial Court was also paid on behalf of the petitioner on 01.06.2017 and the receipt of payment of fine amount was also produced. He further states that the petitioner herein is the Extension Officer of the concerned Panchayat and 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 amount was disbursed. He further states that co-accused were granted suspension of sentence by this Court in CrI.M.P (MD).No.4665 of 2017 in CrI.A(MD).No.163 of 2017, dated 09.06.2017 and 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, dated 25.05.2017.

4.The learned counsel appearing for the petitioner further states 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.

5. 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, since co-accused were already granted suspension of sentence by this Court for the very same offences.

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 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 Special Judge for Prevention of Anti Corruption Cases and Chief Judicial Magistrate, Srivilliputur at Virudhunagar District.

(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/-

21/06/2017

/ TRUE COPY /

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

TO

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

+1. C.C. to M/S.G.MARIAPPAN Advocate SR.No.24739

TRP

CSL/CM/SAR-II/21.06.2017: 3P/6C

ORDER

IN

CRL MP(MD) No.5274 of 2017

IN

CRL A(MD) No.188 of 2017

Date :21/06/2017