



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

Wednesday, the Sixteenth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP(MD) No.7381 of 2017
IN
CRL A(MD) No.317 of 2017

TMT. TAMILARASI ... APPELLANT/ACCUSED

Vs

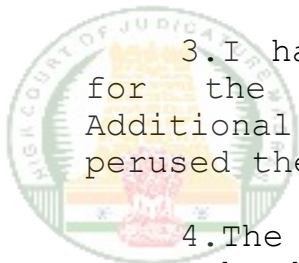
THE STATE REP.BY,
THE INSPECTOR OF POLICE
VIGILANCE AND ANTICORRUPTION, MADURAI,
CR NO. 17/2009 ... RESPONDENT/RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the execution of the sentence passed in Spl. Case No. 74/2011 dated 31.07.2017 on the file of the Special Judge for Trial of Prevention of Corruption Act Cases Madurai and enlarge the Petitioner on bail pending disposal of the above Criminal Appeal and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case.

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

This petition has been filed praying to suspend the sentence imposed against the petitioner/accused in Spl.Case.No.74 of 2011 by the learned Special Judge for Trial of Prevention of Corruption Act Cases, Madurai.

2.The petitioner stood convicted for an offence under Sections 7 of Prevention of Corruption Act, 1988 and 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988. For the offence punishable under Section 7 of Prevention of Corruption Act, 1988, she was sentenced to undergo two years simple imprisonment along with a fine amount of Rs.2,500/-, in default to undergo four months simple imprisonment and for an offence punishable under Section 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988, she was sentenced to undergo two years simple imprisonment along with a fine amount of Rs.2,500/- and both the sentences were ordered to run concurrently. Against the conviction and sentence passed by the trial Court, Crl.A (MD) No.317 of 2017 has been filed and in order to suspend the sentence, the present Miscellaneous Petition is filed.



3.I have Heard Mr.S.Thirupathy, the learned Counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor appearing for the respondent and perused the records carefully.

4.The learned counsel appearing for the petitioner would contend that the complaint was already given not against the petitioner and only against one Saraswathi. Subsequently, during investigation, the petitioner has been implicated in this case. Apart from that, there is no material to show that the petitioner has received the bribe amount. P.W.3, a shadow witness also stated that when they approached the office of the petitioner, she did not demand any amount. It shows that the petitioner had not demanded any money from the defacto complainant. The trial court, without considering the materials available on record in proper perspective, convicted and sentenced the petitioner/accused as above mentioned.

5.I have considered the materials available on record.

6.Considering all those circumstances and since there are some arguable points involved in the appeal and it may take a long time for taking up the appeal for hearing, I am inclined to suspend the sentence of imprisonment alone imposed against the petitioner.

7.In fine, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended and the petitioner shall be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties each for a like sum to the satisfaction of the learned Special Judge for Trial of Prevention of Corruption Act Cases, Madurai with a further condition that the petitioner shall report before the committal Court on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal or until further orders.

sd/-

16/08/2017

/ TRUE COPY /

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

TO

1 THE SPECIAL JUDGE FOR TRIAL OF
PREVENTION OF CORRUPTION ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTICORRUPTION, MADURAI.

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

+1. C.C. to M/S.S.THIRUPATHY Advocate SR.No.28748

ORDER IN

CRL MP(MD) No.7381 of 2017 IN

CRL A(MD) No.317 of 2017

Date :16/08/2017