



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

Monday, the Ninth day of October Two Thousand Seventeen

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PRESENT

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

CRL MP(MD) No.9175 of 2017

IN

CRL A(MD) No.402 of 2017

P. SUDHANTHIRAM

... APPELLANT/ACCUSED No.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
SIVAGANGAI DISTRICT,
CRIME NO.08/2009

... 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 passed in Spl.C.C.No.61/2017 dated 22/09/2017 on the file of the Special Court for Prevention of Corruption Act Cases, Sivagangai enlarge the petitioner/ appellant/ accused 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 Mr.N.MOHIDEEN BASHA, Advocate for the petitioner and of Mr.T.MOHAN, Additional Public Prosecutor for the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Petitioner / Appellant, praying to suspend the sentence of imprisonment imposed on him, by the Special Court for Prevention of Corruption Act Cases, Sivagangai in Spl.S.C.No.61 of 2017, dated 22.09.2017, pending disposal of the above Criminal Appeal.

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

Conviction	Sentence
Section 7 of the Prevention of Corruption Act, 1988	3 Years R.I. + Fine of Rs.1,000/-, i/d 6 months S.I.
Section 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988	3 Years R.I. + Fine of Rs.1,000/-, i/d 6 months S.I.



3. Fine amount imposed by the trial Court was paid by the petitioner / appellant and copy of the receipt is also produced.

4. The learned counsel appearing for the petitioner / appellant submitted that there is no evidence to prove the nexus between the petitioner / appellant and A2 in respect of the charges imposed. He further submitted that there is no evidence to prove the demand of bribe amount of Rs.3,000/- and A2 has received the said amount and he was acquitted by the Trial Court. He further submitted that the alleged bribe amount was demanded for issuing the death certificate and the petitioner / appellant is not having authority to issue same as alleged by the prosecution. He further submitted that the petitioner / appellant is having arguable points in this appeal and he is having a prima facie case in his favour.

5. The learned counsel for the petitioner / appellant further submitted that the Trial Court suspended the sentence till 23.10.2017 as per order in Cr.M.P.No.419 of 2017 dated 22.09.2017.

6. The learned Additional Public Prosecutor appearing for the respondent would submit that the Trial Court has rightly convicted the accused on the basis of the evidence adduced by the prosecution during trial and the petitioner / appellant is not having any prima facie case in the appeal. However, the learned Additional Public Prosecutor has no serious objection since the Trial Court suspended the sentence till 23.10.2017.

7. This Court heard the submissions made by the learned counsel appearing for the petitioner / appellant and the learned Additional Public Prosecutor appearing for the respondent and also perused the materials available on record, including the impugned Judgment of the Court below and also the counter affidavit produced by the respondent.

8. Considering the above facts and circumstances of the case, this Court is of the view that there are certain arguable points involved in this Criminal Appeal and they are required to be examined in detail in the main Appeal. I see prima facie case in favour of the petitioner / appellant, for grant of an order of suspension.

9. On considerations, ordered as under:-

(i) Appeal bail granted.

(ii) Sentence of imprisonment ordered by the trial Court alone is suspended, till the disposal of the appeal.

(iii) There shall be two sureties and they shall execute a bond for Rs.15,000/- (Rupees Fifteen Thousand Only) each to the satisfaction of the learned Special Court for Prevention of Corruption



(iv) The petitioner / appellant shall appear before the said Court on the first working day of every month at 10.30 am., until further orders.

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sd/-
09/10/2017

/ TRUE COPY /

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

TO

- 1 THE SPECIAL JUDGE
SPECIAL COURT FOR PREVENTION OF CORRUPTION ACT CASES,
SIVAGANGAI DISTRICT
 - 2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION, SIVAGANGAI DISTRICT
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. C.C. to M/S.N.MOHIDEEN BASHA Advocate SR.No.32390

ORDER
IN
CRL MP (MD) No.9175 of 2017
IN
CRL A (MD) No.402 of 2017
Date :09/10/2017

gns
SH/RR-BS/SAR-1:12.10.2017: 3p/5c