



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

Wednesday, the Twenty Fifth day of October Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.9584 of 2017
IN
CRL A(MD) No.419 of 2017

K. MUTHUMUNIYANDI

... APPELLANT/ ACCUSED NO.5

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
VIRUDHUNAGAR,
CRIME NO.2/2000

... RESPONDENT/ COMPLAINANT

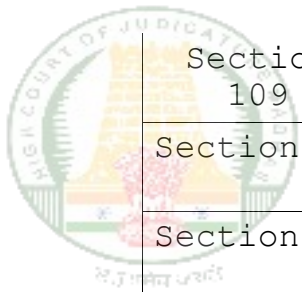
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed upon the petitioner in Special C.C.No.49/2014 (Old special C.C.No.49/2014 (Old Special C.C.No.05/2004) dated 20/10/2017 on the file of the Learned Chief Judicial Magistrate cum Special Judge for Vigilance and Anti-corruption cases, Virudhunagar District at Srivilliputhur and enlarge him 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.S.BALAKARTHICK, Advocate for the petitioner and of M/S.T.MOHAN, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent, While admitting CRL.A, the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Petitioner /A5/ Appellant, praying to suspend the sentence of imprisonment imposed on him, by the learned Chief Judicial Magistrate cum Special Judge for Vigilance and Anti-Corruption Cases, Viruthunagr District at Srivilliputhur, in its order dated 20.10.2017 in Spl.C.C.No.49 of 2014 pending disposal of the above Criminal Appeal.

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

Conviction	Sentence
Section 120 B of IPC	6 months R.I + Fine of Rs.5,000/-, i/d 1 month S.I.



WEB COPY

Section 409 r/w 109 of IPC	3 Years R.I. + Fine of Rs.20,000/-, i/d 6 months S.I.
Section 467 of IPC	3 Years R.I. + Fine of Rs.20,000/-, i/d 6 months S.I.
Section 471 of IPC	3 Years R.I. + Fine of Rs.20,000/-, i/d 6 months S.I.
Section 477(A)	4 years R.I. + Fine of Rs.20,000/-, i/d 8 months S.I.
Section 13(1)(c) & (d) r/w 13(2) of Prevention of Corruption Act, 1988	4 years R.I. + Fine of Rs.20,000/-, i/d 8 months S.I.

3.Fine amount has been paid by the petitioner. Petitioner is confined in prison from the date of Judgment in this case.

4.The learned counsel appearing for the petitioner / appellant submitted that the petitioner was the Overseer of the panchayat and he was only having the supervising powers; that no documents have been marked in respect of the all the offences against the petitioner / appellant herein for implicating to him in respect of offences; that PW.58, the Investigation Officer had stated in his cross that he does not know whether the petitioner / appellant had signed any document regarding employment of sanitary workers. The amount involved in this case is Rs.480/- and Rs.495/- respectively in respect of this petitioner. 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 and the petitioner was on bail during trial.

5.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 to grant an order of suspension.

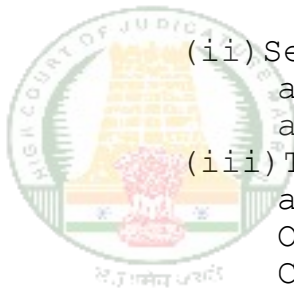
6.This Court heard the submissions made by the learned counsel appearing for the petitioner / appellant and the learned Additional Public Prosecutor appearing for the respondent and also perused the materials available on record, including the impugned Judgment of the Court below.

7.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.

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

8. 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 Chief Judicial Magistrate cum Special Judge for Vigilance and Anti-Corruption Cases, Virudhunagar District at Srivilliputhur.

(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.

sd/-
25/10/2017

/ TRUE COPY /

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

TO

1. THE CHIEF JUDICIAL MAGISTRATE CUM SPECIAL JUDGE
FOR VIGILANCE AND ANTI-CORRUPTION CASES,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3. THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
VIRUDHUNAGAR.

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

+1. C.C. to M/S.S.BALAKARTHICK Advocate SR.No.33102

ORDER
IN
CRL MP(MD) No.9584 of 2017
IN
CRL A(MD) No.419 of 2017
Date :25/10/2017

MS/CM-MSA/SAR.4/26.10.2017/3P.6C