



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

Thursday, the Twenty Sixth day of October Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.9641 of 2017
IN
CRL A(MD) No.420 of 2017

I. YESUDASAN ... PETITIONER/ APPELLANT/ ACCUSED NO.1

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
PREVENTION OF VIGILANCE AND ANTI CORRUPTION,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT. ... RESPONDENT/ RESPONDENT/
COMPLAINANT

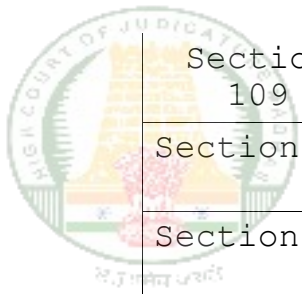
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence and enlarge the petitioner on bail imposed on the appellant by the judgement dated 20/10/2017 made in Special C.C.No.49/2014 on the file of the Learned 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.M.AJMAL KHAN, Senior Counsel for AJMAL ASSOCIATES for the petitioner and of M/S.T.MOHAN, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent, While admitting the CRL.A, the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Petitioner /A1/ 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 his 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.



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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.

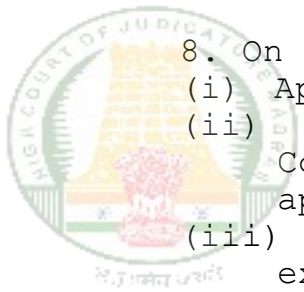
3.Fine amount has been paid by the petitioner. Petitioner is confined in prison from the date of Judgment and he was on bail during trial.

4.The learned counsel appearing for the petitioner / appellant submitted that the petitioner herein is the panchayat Assistant and A2 to A4, who were the Block Development Officers, died when the pendency of the trial and charges against those accused stands abated. He further submitted that A5 was granted suspension of sentence in Crl.M.P.(MD)No.9584 of 2017 in Crl.A.(MD)No.419 of 2017 by this Court. He further submitted that there is no document to file before the Trial Court to implicating the petitioner / appellant herein and the petitioner / appellant is being the lower grade employee can not sanction any amount and he does not have any role whatsoever in the matter of sanctioning the amount nor was he empowered to verify the particulars. He also 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 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 since A5 was granted suspension of sentence by this Court.

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.



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 Court, 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/-
26/10/2017

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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,
VIRUTHUNAGR DISTRICT AT SRIVILLIPUTHUR.
 2. THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
 3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 4. THE DEPUTY SUPERINTENDENT OF POLICE,
PREVENTION OF VIGILANCE AND ANTI CORRUPTION,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S. AJMAL ASSOCIATES Advocate SR.No.33179

ORDER
IN
CRL MP (MD) No.9641 of 2017
IN
CRL A (MD) No.420 of 2017
Date : 26/10/2017

MS/CM-MSA/SAR.4/26.10.2017/3P.7C