



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

Wednesday, the Seventeenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP(MD) No.336 of 2018
IN
CRL A(MD) No.30 of 2018

K.RAMACHANDRAN

... PETITIONER/ PETITIONER

Vs

STATE REP.BY
THE DEPUTY SPERINTENDENT OF POLICE,
VIGILANCE & ANTI-CORRUPTION WING,
DV & AC, THANJAVUR.
(CRIME NO.5/2002)

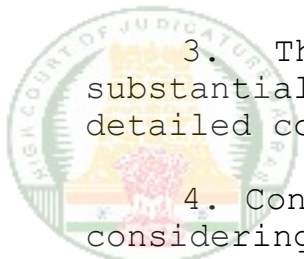
... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence of imprisonment imposed by the learned Special-cum-Chief Judicial Magistrate, Thanjavur at Kumbakonam in Special Case No.20 of 2014 by the Judgment dated 22.12.2017 and enlarge the Petitioner/Accused on bail, pending disposal of the above said Criminal 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.M.KARTHIKEYA VENKITACHALAPATHY, Advocate for the petitioner and of M/S.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent, While admitting the CRL.A., the court made the following order:-

The petitioner has been convicted in Special Case No.20 of 2014, by the learned Special Judge-cum-Chief Judicial Magistrate, Thanjavur at Kumbakonam, on 22.12.2017, for the offence under Section 7 of Prevention of Corruption Act, 1988 r/w Section 34 I.P.C. and Section 13(1)(d) r/w Section 13(2) of Prevention of Corruption Act, 1988 and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default to undergo three months simple imprisonment for each offence.

2. The learned counsel for the petitioner submitted that the petitioner has paid the fine amount and the Trial Court has suspended the sentence under Section 389(3) Cr.P.C., till 19.01.2018. Further, the learned counsel for the petitioner submitted that this Court, by order dated 11.01.2018, in Crl.M.P. (MD) NO.247 of 2018 in Crl.A.No.20 of 2018, has suspended the substantive sentence of imprisonment for the co-accused, namely, A1.



3. The learned counsel for the petitioner has raised substantial points in the memorandum of appeal, which require a detailed consideration by this Court.

4. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution case in respect of the petitioner and that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Special Judge-cum-Chief Judicial Magistrate, Thanjavur at Kumbakonam and on further conditions that:

(i) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) the petitioner shall appear before the Trial Court on the first working day of every month until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

sd/-
17/01/2018

/ TRUE COPY /

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

TO

1. THE SPECIAL JUDGE CUM CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
2. THE DEPUTY SPERINTENDENT OF POLICE,
VIGILANCE & ANTI-CORRUPTION WING, DV & AC, THANJAVUR.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M.KARTHIKEYA VENKITACHALAPATHY, Advocate, SR.No.754

ORDER IN
CRL MP(MD) No.336 of 2018 IN
CRL A(MD) No.30 of 2018
Date :17/01/2018