



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

Friday, the Ninth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP(MD) No.923 of 2018

IN

CRL A(MD) No.63 of 2018

K.BALAKRISHNAN

... APPELLANT/ACCUSED

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
VIGILANCE & ANTI-CORRUPTION,
MADURAI.
CRIME NO.4 OF 2007.

... 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 of Imprisonment imposed by the learned Special Judge for Trial of Cases under Prevention of Corruption Act, Madurai in Special Case No.24 of 2011 on 31/01/2018 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.K.SUNDARAVEL, Advocate for the petitioner and of M/S.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondents the court made the following order:-

It is seen that the petitioner has been convicted by the learned Special Judge for Trial of Cases under Prevention of Corruption Act, Madurai, in Special Case No.24 of 2011, on 31.01.2018, for the offences under Sections 7 and 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988 and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo three months rigorous 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 02.03.2018.



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

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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 for Trial of Cases under Prevention of Corruption Act, Madurai, and on further condition 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 English Calendar month at 10.30 a.m., 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/-
09/02/2018

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



TO

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

2 THE INSPECTOR OF POLICE,
VIGILANCE & ANTI-CORRUPTION, MADURAI.

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

+1. C.C. to M/S.M.KARTHIKEYA VENKATACHALAPATHY, Advocate SR.No.2226

ORDER
IN
CRL MP (MD) No.923 of 2018
IN
CRL A (MD) No.63 of 2018
Date :09/02/2018

PK/PM-PN/SAR-2/13.02.2018 : 3P/5C