



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

Friday, the Eighteenth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

CRL MP (MD) No.3674 of 2018
IN
CRL A (MD) No.246 of 2018

1 KARUPPASAMY
2 V. RAMARAJ

... PETITIONERS/APPELLANTS

Vs

STATE, REPRESENTED BY
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION, MADURAI,
CRIME NO.17/2006

... RESPONDENT/RESPONDENT

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 2 years on us imposed by the Learned Special Judge for Prevention of Corruption act Cases at Madurai by his Judgement dated 28/04/2018 in Special Case NO.55/2011.

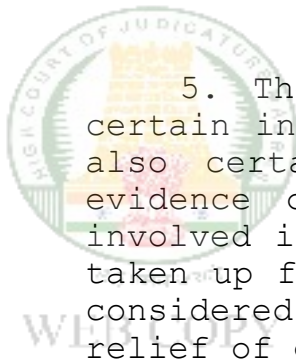
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.K.VINAYAGAN, Advocate for the petitioner and of the court made the following order:-

The petitioners have been convicted by the Special Court for Prevention of Corruption Act Cases, Madurai in S.C.No.55 of 2011 and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.1,000/-, in default to undergo three months simple imprisonment each for offences under Sections 7 and 13(1)(d) r/w 13 (2) of Prevention of Corruption Act, 1988. Against which, the petitioners have filed the criminal appeal and in order to suspend the sentence, the present Miscellaneous Petition is filed.

2. It is submitted by the learned counsel for the petitioners that there are several infirmities and inconsistencies in the prosecution case. It is contended that there are contradictions in material particulars.

3. It is submitted by the learned Government Advocate (Crl.side) that there are enough materials available on record for implicating the petitioners herein.

4. I have carefully considered the rival contentions put forward by either side and also perused the impugned judgment of conviction.



5. The learned counsel for the petitioners pointed out that certain infirmities and inconsistencies in the prosecution case and also certain contradictions in material particulars between the evidence of prosecution witnesses and there are arguable points involved in this appeal and further the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioners are directed to be enlarged on bail on condition that they execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Madurai and on further condition that the petitioners shall appear before the said Court on the first working day of every English Calendar month at 10.30 a.m. pending disposal of the appeal.

sd/-
18/05/2018

/ TRUE COPY /

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

TO

- 1 THE SPECIAL JUDGE FOR
PREVENION OF CORRUPTION ACT CASES AT MADURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION, MADURAI,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.K.VINAYAGAN Advocate SR.No.8880

GJM/CM/VR/VK/18.5.18-2P-6C

ORDER
IN
CRL MP(MD) No.3674 of 2018
IN
CRL A(MD) No.246 of 2018
Date :18/05/2018