



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.3732 of 2018
IN
CRL A (MD) No.247 of 2018

P.MARICHAMY

... PETITIONER/APPELLANT

Vs

STATE REP.BY
THE INSEPCTOR OF POLICE
VIGILANCE AND ANTI-CORRUPTION,
SIVAGANGAI
CRIME NO. 5/2005

... 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 and grant bail to the petitioner/appellant convicted in Special C.C.No.24/2014 dated 27/04/2018 by the Learned Special Court for Trial of Cases under Prevention of Corruption Act, Sivagangai pending disposal of the main appeal.

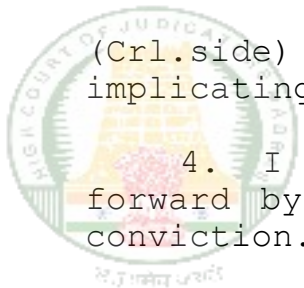
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.SANKARAPANDIAN, Advocate for the petitioner and the Public Prosecutor for the Respondent the court made the following order:-

The petitioner has been convicted by the learned Special Court for Trial of Cases under Prevention of Corruption Act, Sivagangai, in S.C.C.No.24 of 2014 and sentenced to undergo rigorous imprisonment for 3 years and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment for an offence under Section 7 of Prevention of Corruption Act, 1988, sentenced to undergo rigorous imprisonment for 3 years and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment for offences under Sections 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. All the sentences were ordered to run concurrently. Against which, the petitioner has 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 petitioner that there are several infirmities and inconsistencies in the prosecution case. It is contended that there are contradictions in material particulars.

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

3. It is submitted by the learned Government Advocate



(Crl.side) that there are enough materials available on record for implicating the petitioner 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 petitioner 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 petitioner herein is 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 petitioner is directed to be enlarged on bail on condition that he executes 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 Special Court for Trial of Cases under Prevention of Corruption Act, Sivagangai, and on further condition that the petitioner shall appear before the said Court on the first working day of every English Calender 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 JUDGE, SPECIAL COURT
FOR TRIAL OF CASES UNDER PREVENTION OF
CORRUPTION ACT, SIVAGANGAI
- 2 THE INSEPCTOR OF POLICE
VIGILANCE AND ANTI-CORRUPTION, SIVAGANGAI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.S.SANKARAPANDIAN Advocate SR.No.8920

GJM/CM/RNB/18.5.18-2P-5C

ORDER
IN
CRL MP (MD) No.3732 of 2018
IN
CRL A (MD) No.247 of 2018
Date :18/05/2018