



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

Thursday, the Twenty First day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP (MD) No.4543 of 2018

IN

CRL A (MD) No.279 of 2018

V. MALAICHAMY

... APPELLANT/ACCUSED

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
MADURAI.

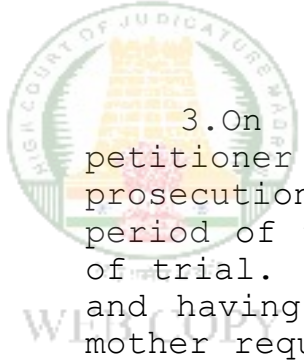
... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed by the Learned by the Learned Special Judge for Vigilance and Anticorruption Court cum Chief Judicial Magistrate, Madurai on 31/05/2018 and let him in 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 Mr.S.G.RAJASEKAR, Advocate for the petitioner and of Mr.M.CHANDRASEKARAN, Additional Government Pleader for Vigilance and Anti Corruption cases for the Respondent, while admitting the Crl.A the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Special Judge for Vigilance and Anticorruption Court Cum Chief Judicial Magistrate, Madurai on 31.05.2018 and to release the petitioner on bail till the disposal of the Criminal Appeal.

2.The petitioner is convicted under Section 7 of P.C.Act to undergo a simple imprisonment for 2 years and to pay a fine of Rs.1000, in default to undergo simple imprisonment for 3 months and under Section 13(2) read with 13(1)(d) of P.C. Act to undergo a simple imprisonment for 2 years and to pay Rs.1000, in default to undergo simple imprisonment for 3 months concurrently by the Judgment of the learned Special Court for Vigilance and Anticorruption Cum Chief Judicial Magistrate, Madurai in Special Case No.70 of 2011, dated 31.05.2018.



3. On the side of the petitioner, it is stated that the petitioner has not committed any offence as alleged by the prosecution. It is stated that the petitioner was on bail during the period of trial and he was regular in appearance during the course of trial. It is further stated that the petitioner is 64 years old and having a mother, aged about 94 years. The petitioner and his mother require medical treatment. He filed the present application for suspension of sentence pending disposal of the said appeal.

4. On the side of the respondent, it is stated that earlier the sentence was suspended by the trial Court till 29.06.2018. There is no serious objection on the side of the respondent.

5. Records perused. 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 put forth his case in the said appeal.

6. This Court is inclined to grant suspension of sentence till the disposal of the said appeal, 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 prevention of corruption Act cases, Madurai and on further condition that:

(i) 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/-
21/06/2018

/ TRUE COPY /

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



TO

1 THE SPECIAL JUDGE FOR
VIGILANCE AND ANTICORRUPTION COURT CUM
CHIEF JUDICIAL MAGISTRATE, MADURAI

2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION, MADURAI

3 THE ADDITIONAL PUBLIC PROSECUTOR
(FOR VIGILANCE AND ANTI CORRUPTION CASES)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.G.RAJASEKAR Advocate SR.No.10996

MSA

GJM/CSL/RR/GSR/25.6.18-3P-5C

ORDER

IN

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Date :21/06/2018