



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

Thursday, the Twenty First day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.1193 of 2019

IN

CRL A(MD) No.38 of 2019

PERIYANAN

... PETITIONER/APPELLANT/
ACCUSED

Vs

THE STATE REP. BY,
INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION DEPARTMENT,
NAGERCOIL.
(CRIME NO.7 OF 2006)

... RESPONDENT/RESPONDENT/
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to pass an order suspension of sentence imposed on the petitioner by the Honourable Specail Judge cum Chief Judicial Magistrate, Nagercoil dated 29.01.2019 made in Special Court C.C.No.4 of 2007 and enlarge the petition on Bail pending disposal of the above appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.F.DEEPAK, Advocate for the petitioner and of MR.K.K.RAMAKRISHNAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner was convicted for the offences under Sections 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo six months simple imprisonment for the offence under Section 7 of the Prevention of Corruption Act and to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo six months simple imprisonment for the offence under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, by judgment dated 29.01.2019 in Special Case No.4 of 2007 by the learned Special Judge Cum Chief Judicial Magistrate, Nagercoil. The trial Court also ordered to run the substantive sentences concurrently. Hence, the petitioner seeks suspension of sentence.

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

2.The learned counsel appearing for the petitioner would submit that though the trial Court granted suspension of sentence, the



petitioner has voluntarily surrendered before the trial Court and he is now confined at the Central Prison, Palayamkottai.

3. Heard the submissions of the learned Government Advocate (Criminal Side).

4. Having regard to the fact 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 and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall 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 cum Special Judge, Vigilance and Anticorruption, Nagercoil, and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the appeal.

sd/-

21/02/2019

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

TO

- 1 THE CHIEF JUDICIAL MAGISTRATE CUM
SPECIAL JUDGE,
VILGILANCE AND ANTICORRUPTION, NAGERCOIL
- 2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION DEPARTMENT,
NAGERCOIL.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. C.C. to Mr.F.DEEPAK Advocate SR.No.3495

ORDER

IN

CRL MP(MD) No.1193 of 2019

IN

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Date :21/02/2019