



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

Wednesday, the Twenty Seventh day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.1231 of 2019

IN

CRL A(MD) No.41 of 2019

SHANMUGAVEL

... PETITIONER/APPELLANT

Vs

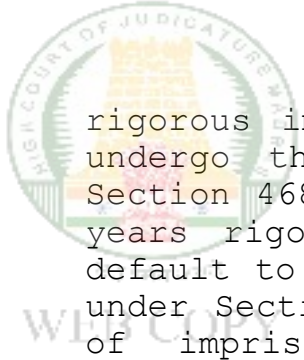
STATE REP. BY
THE INSPECTOR OF POLICE,
CBI:ACB: CHENNAI
RC 19/A/2008

... 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 conviction imposed by the learned II Additional District Court for CBI Cases, Madurai dated 24/12/2018 made in C.C.NO.03/2009 pending disposal of the 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 MR.VEERA KATHIRAVAN, Senior Counsel for M/S.VEERA ASSOCIATES for the petitioner and of MR.R.SUDEVKUMAR, Special Public Prosecutor for CBI cases on behalf of the Respondent, the court made the following order:-

The petitioner was convicted for the offences under Sections 120-B r/w. 420, 467, 468, 471 of IPC and Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988, 420, 467, 468 and 471 I.P.C., by judgment dated 24.12.2018 in C.C.No.3 of 2009 on the file of the learned II Additional District Judge for CBI cases, Madurai. He is sentenced to undergo seven years rigorous imprisonment and pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment for the offence under Sections 120-B r/w. 420, 467, 468, 471 of IPC and Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988. The petitioner is sentenced to undergo seven years rigorous imprisonment and pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment for the offence under Section 420 IPC. The petitioner is sentenced to undergo ten years rigorous imprisonment and pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment for the offence under Section 467 IPC. The petitioner is sentenced to undergo seven years



rigorous imprisonment and pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment for the offence under Section 468 IPC. The petitioner is also sentenced to undergo ten years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment for the offence under Section 471 IPC. The Trial Court ordered to run the sentence of imprisonment concurrently. Hence, the petitioner seeks suspension of sentence.

2.The learned counsel appearing for the petitioner would submit that the petitioner is now confined in Central Prison, Madurai.

3.Heard the submissions of the learned Special Public Prosecutor for CBI Cases.

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 II Additional District Judge for CBI cases, Madurai, 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/-
27/02/2019

/ TRUE COPY /

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

TO

1 THE II ADDITIONAL DISTRICT
COURT FOR CBI CASES, MADURAI.

2 THE INSPECTOR OF POLICE,
CBI:ACB: CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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



+1 CC to M/s.VEERA ASSOCIATES, Advocate SR-3884

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ORDER

IN

CRL MP (MD) No.1231 of 2019

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CRL A (MD) No.41 of 2019

Date :27/02/2019

JM/VR/SAR 3/27.02.2019/3P/6C