



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

Wednesday, the Twentieth day of February Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP (MD) No.1254 of 2019
IN
CRL A (MD) No.527 of 2018

N.J.SELVAKUMAR

... PETITIONER / APPELLANT

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
NAGERCOIL, KANYAKUMARI DISTRICT.

... 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 imposed on the petitioner by the learned Special Judge-Cum-Chief Judicial Magistrate, Nagercoil made in Special Case No.3 of 2007 pending disposal of the above Criminal Appeal on the file of this Honourable Court.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.K.P.S.PALANIVEL RAJAN, 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 13 (1)(e) and 13(2) of the Prevention of Corruption Act, 1988 and sentenced to undergo three years rigorous imprisonment and imposed a fine of Rs.10,000/- in default to undergo one year rigorous imprisonment, by judgment dated 31.10.2018 in Special Case No.3 of 2007 by the learned Special Judge Cum Chief Judicial Magistrate, Nagercoil. Hence, the petitioner seeks suspension of sentence.

2.The learned counsel appearing for the petitioner would submit that this is the second application, seeking for suspension of sentence. Earlier, this Court, by order dated 29.11.2018, suspended the sentence imposed by the learned Special Judge Cum Chief Judicial Magistrate, Nagercoil, observing that on the date of hearing i.e., 11.01.2019 either the appellant or the counsel for the appellant is failed to co-operate for the arguments, the suspension order will be cancelled automatically, without further reference to this Court. On 11.01.2019, when the matter was listed, the learned counsel held up at the Principal Seat of this Court, therefore, his junior had sought adjournment. However, this Court had directed the respondent to arrest the petitioner herein. Hence, he seeks for suspension of sentence.



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 Special Judge Cum Chief Judicial Magistrate, 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/-
20/02/2019

/ TRUE COPY /

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

TO

1 THE SPECIAL JUDGE CUM CHIEF
JUDICIAL MAGISTRATE, NAGERCOIL.

2 THE INSPECTOR OF POLICE,
VIGILANCE & ANTI CORRUPTION WING,
NAGERCOIL, KANYAKUMARI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.K.P.S.PALANIVELRAJAN, Advocate SR-3436

ORDER
IN
CRL MP(MD) No.1254 of 2019
IN
CRL A(MD) No.527 of 2018
Date :20/02/2019