



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

Wednesday, the Third day of April Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.2227 of 2019
IN
CRL A(MD) No.93 of 2019

A.M.TALIB SHERIFF

... PETITIONER/ APPELLANT/
ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VIGILANCE AND ANTICORRUPTION,
THANJAVUR DISTRICT.
CRIME NO.26/2003

... RESPONDENT/ 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 execution of the sentence dated 18/02/2019 passed in Spl.C.C.No.3/2015 by the Learned Chief Judicial Magistrate/Special Judge, Thanjavur @ Kumbakonam pending disposal of above Criminal Appeal petition 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.K.MANIKANDAN, Advocate for the petitioner and of Mr.K.K.RAMAKRISHNAN, Additional Public Prosecutor on behalf of the Respondent, While admitting the CRL.A., the court made the following order:-

The petitioner was convicted by the Judgment dated 18.02.2019 by the learned Chief Judicial Magistrate/Special Judge, Thanjavur, Kumbakonam in C.C.No.3 of 2015 in the following manner.

Charges Proved under Sections	Punishment (Imprisonment and Fine)
u/s 7, 13 (1) (d) r/w 13 (2) of Prevention of Corruption Act, 1988.	Rigorous Imprisonment for 3 year and to pay a fine of Rs.1000/- in default to undergo Simple Imprisonment for 3 months;
u/s 13 (1) (d) r/w 13 (2) of Prevention of Corruption Act, 1988.	Rigorous Imprisonment for 3 year and to pay a fine of Rs.1000/- in default to undergo Simple Imprisonment for 3 months;
Total Fine	Rs.2,000/-



The Sentence of imprisonment should run concurrently awarded to the appellant/sole accused.

2.The learned counsel appearing for the petitioner would submit that the petitioner is aged person about 73 years old and he have heart & rheumatoid deceases. Since he prayed for suspension of sentence.

3.Heard the submissions of the learned Additional Public Prosecutor.

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 District Judge for CBI Cases, II Additional District Court, Madurai, and on further conditions.

(i) 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/-
03/04/2019

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

TO

- 1 THE CHIEF JUDICIAL MAGISTRATE/
SPECIAL JUDGE, THANJAVUR @ KUMBAKONAM.
 - 2 THE DISTRICT JUDGE FOR CBI CASES,
II ADDITIONAL DISTRICT COURT, MADURAI.
 - 3 THE INSPECTOR OF POLICE
VIGILANCE AND ANTICORRUPTION, THANJAVUR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to Mr.K.MANIKANDAN Advocate SR.No.6085

ORDER IN
CRL MP(MD) No.2227 of 2019
IN CRL A(MD) No.93 of 2019
Date :03/04/2019