



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

Monday, the Twenty Ninth day of April Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.3259 of 2019
IN
CRL A(MD) No.145 of 2019

T.SANTHANAM

... PETITIONER/ APPELLANT/
CONVICT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
THANJAVUR.
CRIME NO.4 OF 2008

... 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 sentence imposed in Spl.Case No.67 of 2004 on the file of the Special Court/Chief Judicial Magistrate Court, Kumbakonam, dated 28.02.2019 till the disposal of the appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.K.M.SUBRAHMANYAM, 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 28.02.2019 by the Special Court/Chief Judicial Magistrate Court, Kumbakonam in C.C.No.67 of 2004 in the following manner.

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



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

2.The learned counsel appearing for the petitioner would submit that the petitioner. Already the Trial Court has suspended the sentence up to 28.03.2019. Hence, the petitioner has surrender before the Trial Court and confined in prison for past 7 days. He would further submit that the petitioner is suffering from chronic diabetic and blood pressure due to his old age about 65 years. Hence, he prayed for suspension of sentence.

3.The learned Special Public Prosecutor for CBI Cases did not dispute the above said submission made by the learned counsel for the petitioner.

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 Court/Chief Judicial Magistrate Court, Kumbakonam, and on further conditions.

(i) that the petitioner shall appear before the said Court as and when required, pending disposal of the appeal.

sd/-
29/04/2019

/ TRUE COPY /

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

TO

1. THE SPECIAL JUDGE/ CHIEF JUDICIAL MAGISTRATE, KUMBAKONAM.
2. THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION, THANJAVUR.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to Mr.K.M.SUBRAHMANYAM Advocate SR.No.7699

ORDER IN
CRL MP(MD) No.3259 of 2019
IN CRL A(MD) No.145 of 2019
Date :29/04/2019