

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Friday, the Twenty Sixth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.3840 of 2019
IN
CRL A(MD) No.179 of 2019

SHANMUGAVEL

... PETITIONER/ APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CBI : ACB : CHENNAI.
RC/MA1/2011/A0031

... 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 05/04/2019 made in C.C.No.24/2012 pending disposal of the above Crl.A.

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.N.NAGENDRAN, Special Public Prosecutor for CBI cases on behalf of the Respondent, While admitting the CRL.A., the court made the following order:-

The petitioner was convicted by the Judgment dated 05.04.2019 by the II Additional District Court for CBI Cases, Madurai in C.C.No.24 of 2012 in the following manner.

Charges Proved under Sections	Punishment (Imprisonment and Fine)
u/s 120-B r/w 420 IPC, 13 (2) r/w 13 (1) (c) of Prevention of Corruption Act, 1988, 13 (2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988.	Rigorous Imprisonment for 3 years and to pay a fine of Rs.50,000/- in default to undergo Simple Imprisonment for six months;
u/s 420 IPC	Rigorous Imprisonment for 3 years and to pay a fine of Rs.50,000/- in default to undergo Simple Imprisonment for six months;
Total Fine	Rs.1,00,,000/-

The Sentence of imprisonment should run concurrently awarded to the appellant/13th accused.

2.The learned counsel appearing for the petitioner would submit that the Lower Court has suspended the sentence awarded against the petitioner in Cr.M.P.No.714/2019 in C.C.No.24/2012 till 06.05.2019. Hence, he prayed for suspension of sentence.

3.The learned Special Public Prosecutor for CBI Cases did not dispute the above submission made by the learned counsel for the petitioner and the petitioner is not a public servant.

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 as and when required, till the disposal of the appeal.

sd/-

26/04/2019

/ TRUE COPY /

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

TO

1. THE II ADDITIONAL DISTRICT JUDGE FOR CBI CASES,
MADURAI.
2. THE INSPECTOR OF POLICE,
CBI : ACB : CHENNAI.
3. THE SPECIAL PUBLIC PROSECUTOR FOR CBI CASES,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.VEERA ASSOCIATES Advocate SR.No.7376

ORDER IN

CRL MP(MD) No.3840 of 2019

IN

CRL A(MD) No.179 of 2019

Date :26/04/2019