



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

Friday, the Tenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3999 of 2019

IN

CRL A(MD) No.183 of 2019

S. RAJENDRAN

... APPELLANT/PETITIONER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION WING,
MADURAI,
Crime No.2/2005

... 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 of Imprisonment imposed by the Learned Special Judge/Vigilance and Anti Corruption Cases, Madurai in Spl.C.C.No.39/2011 by the Judgment dated 08/04/2019 and enlarge the petitioner/appellant on bail pending disposal of the above Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.SANGEETHA, Advocate for the Appellant and of Mr.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the Special Judge/Vigilance and Anti-Corruption Cases, Madurai, dated 08.04.2019, in Spl.S.C.No.39 of 2011 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2.The learned counsel appearing for the petitioner submitted that the trial court convicted the petitioner for the offences under Sections 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 and sentenced him to undergo Simple Imprisonment for 2 years and to pay a fine of Rs.1,500/-, in default to undergo Simple Imprisonment for 3 months for the offence under Section 7 of the Act and for the offence under Section 13(1)(d) r/w 13(2) of the Act,



sentenced him to undergo Simple Imprisonment for 2 years and to pay a fine of Rs.1,500/-, in default to undergo 3 months Simple Imprisonment and directed to run the sentences concurrently and suspended the sentence by giving one month time.

3.The learned counsel for the petitioner submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars and the trial court erred in convicting the petitioner without any substantial evidence and that there are arguable points in the main appeal. In view of the above circumstances, the petitioner seeks the relief of suspension of sentence till the disposal of the appeal.

4.It is submitted by the learned Government Advocate (Criminal side) that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and strongly opposed to suspend the sentence imposed on the petitioner and prays for dismissal of this petition. However, no counter has been filed on the side of the prosecution.

5.This court has carefully considered the rival contentions put forward on either side and also perused the materials available on record.

6.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this court is of the considered view that the petitioners herein is entitled to the relief of grant of suspension of sentence.

7.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that he 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 Special Judge/Vigilance and Anti-Corruption Cases, Madurai and on further condition that the petitioner shall appear before the said court daily at 10.30 am, pending appeal.

sd/-
10/05/2019

/ TRUE COPY /



TO

1. THE SPECIAL JUDGE/VIGILANCE
AND ANTI-CORRUPTION CASES, MADURAI.

2. THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION WING,
MADURAI.

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

+1. C.C. to Mr.K.MAHENDIRAN Advocate SR.No.8272

ORDER

IN

CRL MP (MD) No.3999 of 2019

IN

CRL A (MD) No.183 of 2019

Date :10/05/2019

TK/PN/SAR-4/10.05.2019/3P/5C