



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

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP (MD) No.4470 of 2019

IN

CRL A (MD) No.213 of 2019

A.S.RAMESH

... PETITIONER/ APPELLANT

- Vs -

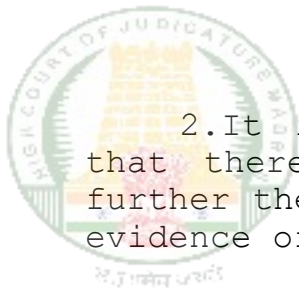
STATE REP.BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
VIRUDHUNAGAR.
CRIME NO.3/2005

... 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 operation and execution of sentence impose in Sp.C.C.No.3/2014 dated 30/10/2018 on the file of Special Court/Chief Judicial Magistrate, Srivilliputhur till the disposal of the pending appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.VEERAKATHIRAVAN, Senior Counsel for Mr.G.MARIAPPAN, Advocate for the petitioner and of Mrs.S.BHARATHI, Government Advocate(Crl.Side) on behalf of the Respondent, While admitting the CRL.A., the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner, who is arrayed as an sole accused, has convicted by the learned trial Judge for the alleged offence under Section 7 of the Prevention of Corruption Act, 1988 and sentenced him to undergo rigorous imprisonment for a period of three years and fine of Rs.10,000/- in default, to undergo rigorous imprisonment for a period of six months and further convicting him under Section 13(2) (d) r/w 13(2) of the Prevention of Corruption Act, 1988 and sentenced him to undergo rigorous imprisonment for a period of 3 years, to pay a fine of Rs.10,000/- in default, to undergo simple imprisonment for a period of six months in Spl.C.C.No.3 of 2014, on the file of the learned Special Court/Chief Judicial Magistrate, Srivilliputhur.



2.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

3.It is submitted by the learned Government Advocate (Crl.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 prays for dismissal of this petition.

4.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

5.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 revision and further the criminal revision 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 petitioner herein is entitled to the relief of grant of suspension of sentence.

6.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on his executing 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, Srivilliputhur.

(ii) and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m, till the disposal of the appeal.

sd/-
08/05/2019

/ TRUE COPY /

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

TO

1 THE SPECIAL JUDGE/ CHIEF JUDICIAL MAGISTRATE,
SRIVILLIPUTHUR.

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



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

+1. C.C. to Mr.G.MARIAPPAN Advocate SR.No.8161

ORDER

IN

CRL MP(MD) No.4470 of 2019

IN

CRL A(MD) No.213 of 2019

Date :08/05/2019

MS/PN/SAR-4/10.05.2019/3P.5C