



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.4511 of 2019
IN
CRL A(MD) No.217 of 2019

R.SELVARAJAN

... APPELLANT/ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
THANJAVUR,
Crime No.4/2008

... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the petitioner on bail by suspending the sentence imposed by the Learned Chief Judicial Magistrate cum Special Judge, Thanjavur District at Kumbakonam in Special Case No.67/2014 dated 28/02/2019 pending disposal of the main Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.S.BALAJI, Advocate for the Appellant 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/A1 has been 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.1,000/- in default, to undergo simple imprisonment for a period of three months and further convicting him under Section 13(2) r/w 13(1)(d) 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.1,000/- in default, to undergo simple imprisonment for a period of three months in S.C.No.67 of 2014, on the file of the learned Chief Judicial Magistrate cum Special Judge, Thanjavur District at Kumbakonam.



2.It is submitted by the learned counsel for the petitioner/A1 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/A1 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/A1 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/A1 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/A1 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 learned Chief Judicial Magistrate cum Special Judge, Thanjavur District, Kombakonam.

(ii) and on further condition that the petitioner/A1 shall appear before the said Court on the first working day of every month at 10.30 a.m pending appeal.

sd/-
08/05/2019

/ TRUE COPY /

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



TO

1. THE CHIEF JUDICIAL MAGISTRATE CUM SPECIAL JUDGE,
THANJAVUR DISTRICT AT 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.S.BALAJI Advocate SR.No.8197

ORDER

IN

CRL MP (MD) No.4511 of 2019

IN

CRL A (MD) No.217 of 2019

Date : 08/05/2019

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