



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

Wednesday, the Eighth day of May Two Thousand Nineteen

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PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.4516 of 2019

IN

CRL A(MD) No.219 of 2019

JAYARAJA

... PETITIONER/ APPELLANT/
SOLE ACCUSED

Vs

STATE REP. BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION POLICE WING,
CRIME NO.11/2006,
TUTICORIN,
TUTICORIN DISTRICT.

... 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 execution of sentence by granting bail in S.C.No.11/2007 on the file of the Special Court for Corruption Act-cum-Chief Judicial Magistrate, Tuticorin, Tuticorin District dated 25/03/2019 till the disposal of Crl.A

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.KATHIRVELU, Senior Counsel for MR.K.PRABHU, Advocate for the petitioner and of MRS.S.BHARATHI, Government Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial Judge for the alleged offences under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.2,000/- in default to undergo Simple Imprisonment for a further period of three months in Special Case No.11 of 2007 on the file of the Special Court for Corruption Act-cum-Chief Judicial Magistrate, Tuticorin.

2.The learned counsel appearing for the petitioner submitted that the trial Court has already suspended the sentence till today and hence, the petitioner has filed this petition seeking suspension of sentence.



3.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 prays for dismissal of this petition.

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4.This Court has carefully considered the rival contentions put forward by their 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 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 petitioner herein is entitled to the relief of grant of suspension of sentence.

6.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 the petitioner 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 Judge for Corruption Act-cum-Chief Judicial Magistrate, Tuticorin 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., pending disposal of the appeal.

sd/-
08/05/2019

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

TO

1 THE SPECIAL JUDGE FOR CORRUPTION ACT-CUM-
CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION POLICE WING,
TUTICORIN, TUTICORIN DISTRICT.

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



+1. C.C. to M/S.K.PRABHU Advocate SR.No.8150

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ORDER

IN

CRL MP (MD) No.4516 of 2019

IN

CRL A (MD) No.219 of 2019

Date :08/05/2019

JM/MMS/SAR 4/10.05.2019/3P/5C