

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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.4571 of 2019

IN

CRL A(MD) No.227 of 2019

D.SENTHIPERUMAL

... PETITIONER/ APPELLANT

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTICORRUPTION WING,
RAMANATHAPURAM,
UNDER CRIME NO.2/2008.

... 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 imposed on the petitioner by the Special Court/Chief Judicial Magistrate Court/Assistant Sessions Court, Ramanathapuram in Special C.C.No.01/2009 dated 11/04/2019 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal on the file of the Honourable Court.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.K.R.LAXMAN, Advocate for the petitioner and of MR.K.K.RAMAKRISHNAN, Additional Public Prosecutor on behalf of the Respondent, While admitting the CRL A., the court made the following order:-

The present appeal is arising out of the conviction and sentence imposed against this petitioner in Spl.C.C.No.01 of 2009 by the learned Special Judge / Chief Judicial Magistrate / Assistant Sessions Judge, Ramanathapuram, wherein this petitioner was found

guilty for the offences punishable under Sections 7 and 13(2) r/w 13 (1)(d) of Prevention of Corruption Act, 1988 and has been convicted and sentenced as detailed below :

Penal Provision under which convicted	Sentence
Section 7 of Prevention of Corruption Act, 1988	To undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for one month
Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988	To undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for one month

2.It is represented that the sentence was suspended by the trial Court till 10.04.2019.

3.The learned counsel for the petitioner submitted that the learned trial Judge has not appreciated the evidence of the witnesses in a proper manner and there are contradictions in the evidence adduced by the witnesses.

4.The learned Additional Public Prosecutor appearing for the respondent would oppose to suspend the sentence that even after expiry of the period of suspension i.e., 10.04.2019, this petitioner has not surrendered before the concerned Court and therefore, he is not entitled for suspension of sentence.

5.The learned counsel for the petitioner would submit that the trial Court has extended the period of suspension till 16.05.2019.

6.Apart from these grounds, this petitioner has also made out certain other grounds in the appeal. 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, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

7.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that

(i)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

<https://hcservices.ecourts.gov.in/hcservices/>

(ii)the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, until

further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-
16/05/2019

/ TRUE COPY /

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

TO

1 THE SPECIAL JUDGE/CHIEF JUDICIAL MAGISTRATE/
ASSISTANT SESSIONS JUDGE,
RAMANATHAPURAM.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTICORRUPTION WING,
RAMANATHAPURAM.

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

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-8603[I] dated 17/05/2019)

ORDER
IN

CRL MP(MD) No.4571 of 2019
IN

CRL A(MD) No.227 of 2019
Date :16/05/2019

JM/VR/SAR 3/17.05.2019/3P/5C

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