

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.4592 of 2019
IN
CRL A (MD) No.230 of 2019

S.SOOSAI MICHAEL

... PETITIONER/ APPELLANT

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VIGILANCE & ANTI CORRUPTION,
KANYAKUMARI DETACHMENT,
AT NAGERCOIL.
(CRIME NO.9/2005)

... 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 on the petitioner/ Appellant by the Special Judge Cum Chief Judicial Magistrate, Nagercoil, Kanyakumari District in Special Case No.5 of 2007 dated 26.04.2019 and enlarge the petitioner/ Appellant on bail, pending disposal o the above said Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.SURI, 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 Special Case No.5 of 2007 by the Special Judge Cum Chief Judicial Magistrate, Nagercoil, Kanniyakumari District, 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 three years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo 9 months simple imprisonment
Section 13(2) r/w Section 13(1) (d) of Prevention of Corruption Act, 1988	To undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo 9 months Simple imprisonment

2.The learned counsel for the petitioner would submit that main witness P.W.2, who is said to have parted money to the defacto complainant has not been examined and that there are material contradictions in the evidence of the official witnesses. Furthermore, there was no proper sanction for initialling prosecution against the petitioner.

3.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 and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

4.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties for a like sum to the satisfaction of the learned Special Judge Cum Chief Judicial Magistrate, Nagercoil, Kanniyakumari District, and on further 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.

(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

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TO

1 THE SPECIAL JUDGE-CUM-
CHIEF JUDICIAL MAGISTRATE, NAGERCOIL,
KANYAKUMARI DISTRICT.

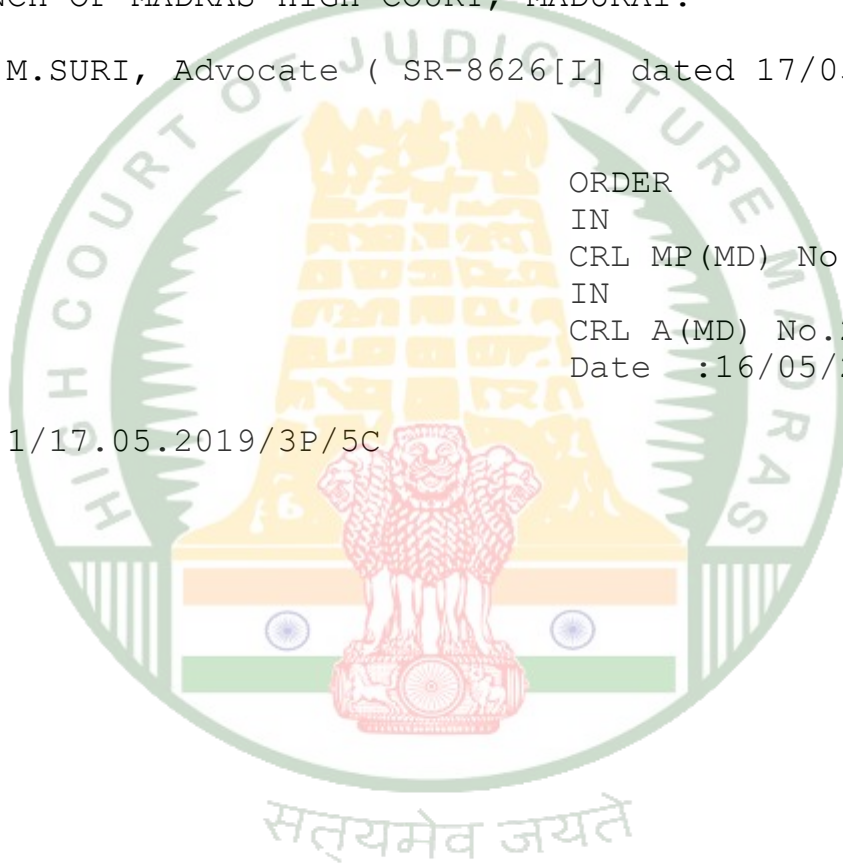
2 THE INSPECTOR OF POLICE,
VIGILANCE & ANTI CORRUPTION,
KANYAKUMARI DETACHMENT,
AT NAGERCOIL.

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

+1 CC to M/s.M.SURI, Advocate (SR-8626[I] dated 17/05/2019)

ORDER
IN
CRL MP(MD) No.4592 of 2019
IN
CRL A(MD) No.230 of 2019
Date :16/05/2019

JM PK/JC/SAR 1/17.05.2019/3P/5C



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