



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

Tuesday, the Fourth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP (MD) No.4722 of 2019

IN

CRL A (MD) No.246 of 2019

S.NAGARATHINAM

... PETITIONER/ APPELLANT

Vs

STATE REP.BY

THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
RAMANATHAPURAM.

CRIME NO.4 OF 2004

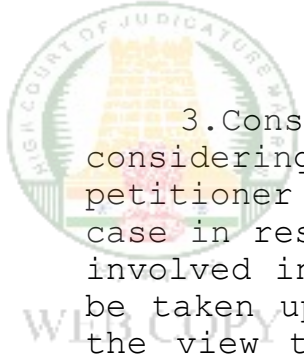
... RESPONDENT/ RESPONDENT

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 by the Learned Special Court for Trial Cases Under prevention of Corruption Act, Sivagangai in Spl.C.C.No.1/2019 by the Judgement dated 21/02/2019 and enlarge the Petitioner/Accused on bail pending disposal of the above Crl.A

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.P.SARAVANAKUMAR, Advocate for the petitioner and of Mr.M.CHANDRASEKARAN, Additional Public Prosecutor on behalf of the Respondent, While admitting the CRL.A., the court made the following order:-

The petitioner has been convicted by the learned trial Judge for the offence under Section 248(2) Cr.P.C to undergo three years rigorous imprisonment and to pay a fine of Rs.500/-, in default of payment of fine to undergo simple imprisonment for a further period of six months under Section 7 of the Prevention of Corruption Act, 1988, he was sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.500/-, in default of payment of fine to undergo further period of six months simple imprisonment under Section 13(2) r/w. 13(1) (d) of the Prevention of Corruption Act in Spl.C.C.No.1 of 2019 on the file of the Special Court for Trial of Cases under Prevention of Corruption Act, Sivagangai.

2.The learned counsel for the petitioner has raised substantial points in the memorandum of appeal, which require a detailed consideration by this Court.



3. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution case in respect of the petitioner and that there are arguable points involved in the appeal and further that the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

4. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is ordered to be released 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 Special Judge for Trial of Cases under Prevention of Corruption Act, Sivagangai and on further condition that the petitioner shall appear before the said court on the first working day of every month at 10.30 am, pending appeal.

sd/-
04/06/2019

/ TRUE COPY /

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

TO

1. THE SPECIAL JUDGE
FOR TRIAL OF CASES UNDER PREVENTION
OF CORRUPTION ACT, SIVAGANGAI.
2. THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
RAMANATHAPURAM.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP (MD) No.4722 of 2019
IN
CRL A (MD) No.246 of 2019
Date : 04/06/2019

MS/VR/SAR-2/04.06.2019/2P.4C