

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

Thursday, the Sixth day of June Two Thousand Nineteen

PRESENT

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

CRL MP(MD) No.4745 of 2019

IN

CRL A(MD) No.248 of 2019

SOUNDARARAJAN

... APPELLANT/ ACCUSED NO.1

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION - WING,
RAMANATHAPURAM DISTRICT,
SPL.C.C.NO.1/2019

... 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 sentence imposed in Spl.C.C.No.1/2019 dated 21/02/2019 on the file of the Learned Special Judge, Sivagangai, till the disposal of the above appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.D.SASIKUMAR, 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 7 of the Prevention of Corruption Act, 1988 and sentenced 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 period of six months. He was further convicted under Section 13(2) r/w. 13(1) (d) of the Prevention of Corruption Act, 1988 and 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 in Spl.C.C.No.1 of 2019, dated 21.02.2019, 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/-
06/06/2019

/ 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 WING,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.D.SASIKUMAR, Advocate (SR-9132[I] dated 06/06/2019)

ORDER
IN
CRL MP (MD) No.4745 of 2019
IN
CRL A (MD) No.248 of 2019
Date :06/06/2019