



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

Tuesday, the Twenty Fifth day of June Two Thousand Nineteen

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PRESENT

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

CRL MP(MD) No.5329 of 2019

IN

CRL A(MD) No.264 of 2019

SANTHANA MARIMUTHU

... PETITIONER/ APPELLANT/ACCUSED

Vs

STATE REP. BY

THE DEPUTY SUPERINTENDENT OF POLICE,

VIGILANCE AND ANTI CORRUPTION POLICE STATION,

TIRUNELVELI DISTRICT.

... RESPONDENT/ RESPONDENT/ COMPLAINANT

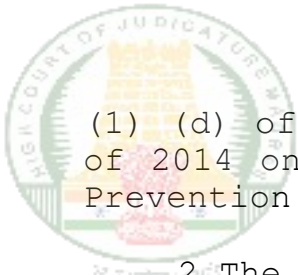
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner by the Judgement dated 07/06/2019 passed in Special Case No.40/2014 by the file of the Special Court for Trail of Cases Under Prevention of Corruption Act, Tirunelveli and enlarge the petitioner on bail pending disposal of the above Crl.A.

Prayer in CRL A(MD) No.264 of 2019:

To call for the records and set aside the judgment dated 07.06.2019 passed in Special Cases No.40 of 2014 by file of the Special Court For Trail of Cases Under Prevention of Corruption Act, Tirunelveli in the interest of justice and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.C.MUTHU SARAVANAN, Advocate for the petitioner and of MR.M.CHANDRASEKARAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner has been convicted by the learned trial Judge for the offence under Sections 7, 13(ii) r/w 13(i)(d) of Prevention of Corruption Act, 1988, to undergo three years simple imprisonment and to pay a fine of Rs.5,000/-, 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 four years simple imprisonment and to pay a fine of Rs.5,000/-, 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, 1988, in Spl.C.C.No.40 of 2014 on the file of the Special Court for Trial of Cases under Prevention of Corruption Act, Tirunelveli.

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, Tirunelveli 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/-
25/06/2019

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

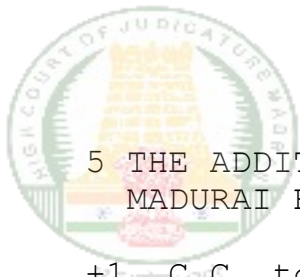
TO

1 THE JUDGE,
SPECIAL COURT FOR TRAIL OF CASES
UNDER PREVENTION OF CORRUPTION ACT,
TIRUNELVELI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION POLICE STATION,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE DEAN,
<https://hcservices.ecourts.gov.in/hcservices/>
TIRUNELVELI MEDICAL COLLEGE HOSPITAL,
HIGH GROUND, TIRUNELVELI.



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

+1..C.C. to M/S.C.MUTHU SARAVANAN Advocate SR.No. 10373

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ORDER

IN

CRL MP (MD) No.5329 of 2019

IN

CRL A (MD) No.264 of 2019

Date :25/06/2019

JM/VR/SAR 4/25.06.2019/3P/7C