



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

Wednesday, the Twenty Seventh day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.10788 of 2018

IN

CRL A(MD) No.561 of 2018

S.RAJAGOPAL

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
MADURAI.
IN CRIME NO. 12 OF 2006

... 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 passed by the Special judge for Trial of Prevention of Corruption Act cases, Madurai in Spl. Case NO. 6 of 2011 dated 19.12.2018 and enlarged by the petitioner on bail, pending disposal of the Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S.THIRUPATHY, 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 petitioner was convicted for the offence under Sections 7 and 13(1) (d) r/w 13(2) of Prevention of Corruption Act, 1988 and sentenced to undergo Two Years Simple Imprisonment each and imposed a fine of Rs.1,500/- each in default to undergo Simple Imprisonment for Three months each by Judgment dated 19.12.2018 by the Special Judge for Trial of Prevention of Corruption Act Case, Madurai in Spl.Case.No.6 of 2011. The above sentences shall run concurrently. Hence, the petitioner seeks suspension of sentence.

2.The learned counsel appearing for the petitioner would submit that the sentence was suspended by the Trial Court on 19.12.2018 till 18.01.2019 and the fine amount of Rs.3,000/- was paid by the petitioner on 19.12.2018.



3. Heard the submissions of the learned Additional Public Prosecutor.

4. 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.

5. 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 each for a like sum to the satisfaction of the Special Judge for Trial of Prevention of Corruption Act Case, Madurai and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the appeal.

sd/-
27/02/2019

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

TO

- 1 THE SPECIAL JUDGE FOR TRIAL
OF PREVENTION OF CORRUPTION ACT CASE,
MADURAI.
- 2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION, MADURAI.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.THIRUPATHY, Advocate (SR-3883[I] dated 27/02/2019)

ORDER
IN
CRL MP(MD) No.10788 of 2018
IN
CRL A(MD) No.561 of 2018
Date :27/02/2019