



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

Tuesday, the Thirteenth day of August Two Thousand Nineteen

PRESENT

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

CRL MP(MD) No.7024 of 2019

IN

CRL A(MD) No.353 of 2019

S.VICTOR

... APPELLANT/PETITIONER

Vs

STATE REPRESENTED BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
KANNIYAKUMARI DETACHMENT @ NAGERCOIL.
Crime No.4 of 2013

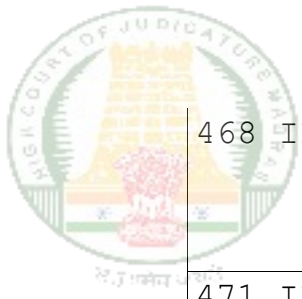
... RESPONDENT/COMPLAINANT

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 S.C No.5 of 2015 on the file of the Special Judge cum Chief Judicial Magistrate's Court, Nagercoil dated 23.07.2019 enlarge the petitioner on bail, pending disposal of the Criminal Appeal petition 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.K.P.S.PALANI VEL RAJAN, Advocate for the petitioner and of Mr.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, while admitting the CRL A, the court made the following order:-

The appellant has been convicted by the learned Special Judge cum Chief Judicial Magistrate, Nagercoil for the offences under Sections 420, 468, 471, 409, 477-A IPC and under Sections 13(2) r/w. 13(1)(c) and 13(1)(d) of the Prevention of Corruption Act, 1988, vide judgment dated 23.07.2019 in S.C No.5 of 2015 in the following manner :

420 IPC	To undergo five years rigorous imprisonment and to pay a fine of Rs.1.00 lakh, i/d, to undergo one year simple imprisonment
---------	---



468 IPC	To undergo five years rigorous imprisonment and to pay a fine of Rs.1.00 lakh, i/d, to undergo one year simple imprisonment
471 IPC	To undergo five years rigorous imprisonment and to pay a fine of Rs.1.00 lakh, i/d, to undergo one year simple imprisonment
409 IPC	To undergo five years rigorous imprisonment and to pay a fine of Rs.1.00 lakh, i/d, to undergo one year simple imprisonment
477 A IPC	To undergo five years rigorous imprisonment
13(2)r/w. 13(1) (c) and 13(1) (d) of Prevention of Corruption Act	To undergo five years rigorous imprisonment and to pay a fine of Rs.1.00 lakh, i/d, to undergo one year simple imprisonment

2.The learned counsel for the appellant 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 appellant that there are several infirmities in the prosecution case in respect of the appellant 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 appellant 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 appellant 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 cum Chief Judicial Magistrate, Nagercoil and on further condition that the appellant shall appear before the said court on the first working day of every month at 10.30 am, pending appeal.

sd/-
13/08/2019

/ TRUE COPY /

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



TO

1. THE SPECIAL JUDGE CUM CHIEF JUDICIAL MAGISTRATE,
NAGERCOIL.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
KANNIYAKUMARI DETACHMENT @ NAGERCOIL.

3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. C.C. to Mr.K.P.S.PALANI VEL RAJAN Advocate SR.No.13390

ORDER

IN

CRL MP(MD) No.7024 of 2019

IN

CRL A(MD) No.353 of 2019

Date :13/08/2019

skm

TK/PN/SAR.4/13.08.2019/3P/6C