



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

Monday, the Twenty Sixth day of August Two Thousand Nineteen

PRESENT

WEB COPY

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

CRL MP(MD) No.7449 of 2019

IN

CRL A(MD) No.370 of 2019

V.BALASUBRAMANIAN

... PETITIONER/APPELLANT

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
MADURAI.
CRIME NO.8 OF 2011

... 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 by the learned Special Judge for the Prevention of Corruption Act Cases, Madurai in Spl.Case No.8 of 2011 dated 07.08.2019, pending disposal of this appeal and release the petitioner on bail.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.C.ARUL VADIVEL @ SEKAR Advocate for the petitioner and of Mr.A.ROBINSON, Government Advocate(criminal side) on behalf of the Respondent, while admitting the CRL A, the court made the following order:-

The petitioner who has been convicted by the learned trial Judge for the offences under Sections 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 and sentenced to undergo six months rigorous imprisonment and to pay a fine of Rs.1,000/-, in default of payment of fine to undergo simple imprisonment for a further period of two months for the offence under Section 7 of the Prevention of Corruption Act, 1988; to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default of payment of fine to undergo further period of two months simple imprisonment for the offence under Section 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988, (sentences ordered to run concurrently) in Spl.C.C.No.8 of 2011 on the file of the Special Court for Trial of Cases under Prevention of Corruption Act, Madurai.



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, Madurai 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/-
26/08/2019

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

TO

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

ORDER
IN
CRL MP(MD) No.7449 of 2019
IN
CRL A(MD) No.370 of 2019
Date :26/08/2019

TK/MMS/SAR.1/26.08.2019/2P/5C