



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

Tuesday, the Twenty Seventh day of August Two Thousand Nineteen

PRESENT

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

CRL MP(MD) No.7548 of 2019

IN

CRL A(MD) No.378 of 2019

M.SANTHOSAM

...APPELLANT/ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
MADURAI DETACHMENT
CRIME NO. 10/2004

... 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 of Imprisonment imposed by the Learned Special Court for Trial of Prevention of Corruption Act Cases Madurai in Spl. Case NO. 43 of 2011 by the Judgment dated 20-08-2019 and enlarge the Petitioner/ Appellant No.4 on bail, pending disposal of the above said 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. MAHENDRAPATHY, 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 has been convicted by the learned trial Judge for the offence under Sections 120(B), 467, 468, 167 r/w 109, and 420 of I.P.C. and Section 248(2) of Cr.P.C., to undergo two years rigorous imprisonment for each offence and to pay a fine of Rs.1,000/- for each offence, in default of payment of fine to undergo simple imprisonment for a further period of two months for each offence, in Spl.C.C.No.43 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 him 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/-
27/08/2019

/ 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 CASES, MADURAI.
- 2.THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
MADURAI.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.7548 of 2019
IN
CRL A(MD) No.378 of 2019
Date :27/08/2019

TK/VR/SAR.2/27.08.2019/2P/4C