



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

Friday, the Thirtieth day of August Two Thousand Nineteen

PRESENT

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

CRL MP(MD) No.7678 of 2019

IN

CRL A(MD) No.395 of 2019

V.KAMALADEVI

... PETITIONER/APPELLANT

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
VIRUDHUNAGAR.

... RESPONDENT/ RESPONDENT

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 Prevention of Corruption Act Cases cum Chief Judicial Magistrate Virudhunagar District Camp at Srivilliputhur in Spl. C.C No. 46/2014 dated 27.08.2019 pending disposal of this appeal and release the petitioner on bail 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. S. SANKARAPANDIAN, Advocate for the petitioner and of Mr.A.ROBINSON, Government Advocate (Crl. 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 two years rigorous imprisonment and to pay a fine of Rs.25,000/-, 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 two years rigorous imprisonment and to pay a fine of Rs.25,000/-, 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.46 of 2014 on the file of the Special Court, Prevention of Corruption Act Cases cum Chief Judicial Magistrate, Virudhunagar District, Camp at Srivilliputhur.



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 Court, Prevention of Corruption Act Cases cum Chief Judicial Magistrate, Virudhunagar District, Camp at Srivilliputhur 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/-
30/08/2019

/ TRUE COPY /

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

TO

- 1.THE SPECIAL JUDGE,
PREVENTION OF CORRUPTION ACT CASES CUM
CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT CAMP AT SRIVILLIPUTHUR.
- 2.THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,VIRUDHUNAGAR.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.S.SANKARAPANDIAN Advocate SR.No.14419

ORDER
IN
CRL MP(MD) No.7678 of 2019
IN
CRL A(MD) No.395 of 2019
Date :30/08/2019

TK/VR/SAR.3/30.08.2019/2P/5C