



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

Monday, the Thirteenth day of January Two Thousand Twenty

PRESENT

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

CRL MP(MD) No.262 of 2020
IN
CRL A(MD) No.27 of 2020

M.RADHAKRISHNAN

... PETITIONER/ APPELLANT/
ACCUSED

Vs

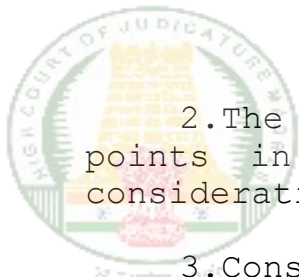
STATE REP.BY
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
NAGERCOIL.
CRIME NO.6/2010.

... 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 and enlarge the petitioner on bail imposed on the appellant by the judgment dated 19.12.2016 made in Special Case No.6/2011 on the file of Special Court / Chief Judicial Magistrate, Nagercoil.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.AJMASLKHAN, Senior Counsel for M/S.AJMAL ASSOCIATES, 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 has been convicted by the learned trial Judge for the offences under Sections 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act 1988, to undergo four years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default of payment of fine to undergo simple imprisonment for a further period of one year for the offence under Section 7 of Prevention of Corruption Act 1988 and he was sentenced to undergo four years Rigorous imprisonment and to pay a fine of Rs.10,000/-, in default of payment of fine to undergo further period of one year simple imprisonment for the offence under Section 13(2) r/w. 13(1) (d) of the Prevention of Corruption Act, 1988, in Spl.Case.No.6 of 2011 on the file of the Special Judge/Chief Judicial Magistrate, Nagercoil.



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/Chief Judicial Magistrate, Nagercoil, 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/-
13/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SPECIAL JUDGE/
CHIEF JUDICIAL MAGISTRATE, NAGERCOIL.
2. THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
NAGERCOIL.
3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYMKOTTAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-857[I] dated 13/01/2020

ORDER
IN
CRL MP(MD) No.262 of 2020
IN
CRL A(MD) No.27 of 2020
Date :13/01/2020