



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

Monday, the Fourth day of May Two Thousand Twenty

PRESENT

The Hon'ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.2685 of 2020
IN
CRL A(MD) No.141 of 2020

OLIVIA NESA RAJAKANI

... PETITIONER/APPELLANT

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTICORRUPTION,
TIRUNELVELI DETECHMENT,
CR.NO.1 OF 2009

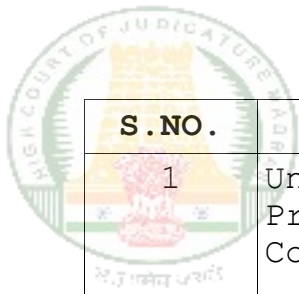
... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to pass an order to suspend the sentence imposed on the petitioner passed in Special No.51 of 2014 on the file of Special Judge for cases of trial under Prevention of Corruption Act at Tirunelveli on 24.02.2020 pending disposal of the above Criminal Appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.STALIN MUTHU, Advocate for the petitioner and of Mr.K.K.RAMAKRISHNAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This petition has been filed by the Petitioner / Accused praying to suspend the sentence imposed on her by the learned Special Judge for cases under trial Prevention of Corruption Act, at Tirunelveli, vide his Judgment, in Special Case No.51 of 2014, dated 24.02.2020 and to enlarge the petitioner / Accused on bail pending disposal of the above Criminal Appeal.

2. The petitioner is the accused in Special Case No.51 of 2014, on the file of the learned Special Judge for cases under trial Prevention of Corruption Act, at Tirunelveli. The trial Court, after elaborate trial found the Petitioner / Accused guilty and by judgment dated 24.02.2020, convicted and sentenced the Petitioner / Accused as follows:-



S.NO.	OFFENCE	PUNISHMENT
1	Under Section 7 of Prevention of Corruption Act.	3 years Simple Imprisonment and fine of Rs.5,000/-, in default, to undergo Simple Imprisonment for 6 months;
2	Under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act.	3 years Simple Imprisonment and fine of Rs.5,000/-, in default, to undergo Simple Imprisonment for 6 months;

3. Challenging the same, the Petitioner / Accused is before this Court with this appeal. Pending appeal, she has come up before this Court for suspension of substantive sentence of imprisonment.

4. The learned counsel appearing for the petitioner / Accused would submit that there are arguable points in favour of the petitioner / Accused. Hence, the learned counsel prayed for suspension of sentence of imprisonment imposed on the petitioner, pending disposal of the appeal.

5. I have heard Mr.S.Stalin Muthu, learned counsel for the Petitioner / Appellant and Mr.K.K.Ramkrishnan, learned Additional Public Prosecutor appearing for the respondent and I have also perused the records carefully.

6.As rightly submitted by the learned counsel appearing for the petitioner / accused, there are some arguable points in favour of the Petitioner / Accused and the appeal is not likely to be disposed of in the near future, there is no question of absconding, I am inclined to suspend the substantive sentence of imprisonment alone pending disposal of the appeal.

7.Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the Petitioner / Accused alone is suspended and the Petitioner / Accused is directed to be enlarged on bail, on the following conditions:

(i) The Petitioner / Accused executes 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 learned Special Judge for cases under trial Prevention of Corruption Act, at Tirunelveli.

(ii) The petitioner / Accused shall report before the concerned Court on the first working day of every English calendar month at 10.30 a.m. until further orders.

sd/-

04/05/2020

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



TO

1. THE SPECIAL JUDGE
FOR CASES OF TRIAL UNDER PREVENTION OF
CORRUPTION ACT, TIRUNELVELI.

2. THE INSPECTOR OF POLICE,
VIGILANCE AND ANTICORRUPTION,
TIRUNELVELI DETECHMENT.

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

ORDER
IN
CRL MP (MD) No.2685 of 2020
IN
CRL A (MD) No.141 of 2020
Date :04/05/2020

MPK
TE/JC/SAR-II : 05/05/2020 : 3P/4C