



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

Wednesday, the Third day of June Two Thousand Twenty

PRESENT

The Hon'ble Justice M.DHANDAPANI

CRL MP(MD) No.3090 of 2020
IN
CRL A(MD) No.173 of 2020

S.SANTHAKUMAR

... PETITIONER/APPELLANT

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
MADURAI DETACHMENT.
CR No.1/2011

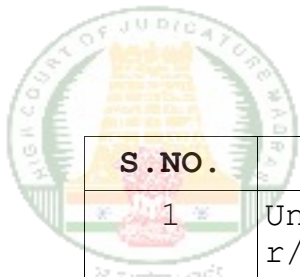
... RESPONDENT/RESPONDENT

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 on me in Special Case no.5 of 2013 judgment dated 18/03/2020 passed by the learned Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act, Madurai pending disposal of the Crl.A 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 M/s.A.S.RAJESWARI, 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 him by the learned Special Judge, Special Court for Trial of Cases under the Prevention of Corruption Act, Madurai, Madurai District, vide his Judgment, in Spl.Case No.5 of 2013, dated 18.03.2020 and to enlarge the petitioner / Accused on bail pending disposal of the above Criminal Appeal.

2. The petitioner is the Accused in Spl.Case No.5 of 2014, on the file of the learned Special Judge, Special Court for Trial of Cases under the Prevention of Corruption Act, Madurai. The trial Court, after elaborate trial found the Petitioner / Accused guilty and by judgment dated 18.03.2020, convicted and sentenced the Petitioner / Accused as follows:-



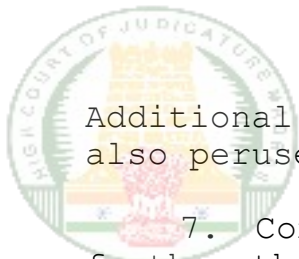
S.NO.	OFFENCE	PUNISHMENT
1	Under Sections 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988. (prior to the amendment)	1 Year Rigorous Imprisonment and fine of Rs.1000/-, in default, to undergo Simple Imprisonment for 2 months;
2	Under Section 7 of the Prevention of Corruption Act, 1988 (prior to the amendment)	1 Year Rigorous Imprisonment and fine of Rs.1,000/-, in default, to undergo Simple Imprisonment for 2 months;

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

4. The learned counsel appearing for the Petitioner / Appellant would submit that the trial Court while convicting the Petitioner / Appellant for the aforesaid offences, suspended the sentences upto 20.04.2020. Further, the learned counsel, on instructions from the petitioner, would submit that without prejudice his rights in the appeal, the petitioner is ready to pay a sum of Rs.50,000/- (Rupees Fifty Thousand Only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Commissioner, Madurai Corporation, Madurai', for the purpose of providing facilities to the sanitary workers. He would further submit that there are arguable points in favour of the Petitioner / Accused. Hence, the learned counsel prayed for suspension of sentence of imprisonment of the petitioner, pending disposal of the appeal.

5. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the Petitioner / Accused was a public servant and while working as Special Sub-Inspector of Police, at Nagamalai Pudukkottai P.S., Madurai, the petitioner was conducted investigation in respect of the case in Crime No.543 of 2010. When the complainant met the accused requesting for fair investigation, the accused demanded Rs.6000/-, as illegal gratification. While accepting Rs.6000/-, as gratification, from the defacto complainant, the accused was arrested red-handed. Therefore, the learned Additional Public Prosecutor submitted that since the petitioner/accused had committed heinous offence, any stringent conditions may be imposed on the petitioner, in the event of suspension of sentence is ordered by this Court.

6. I have heard M/s.A.S.Rajeswari, learned counsel appearing for the Petitioner/Accused and Mr.K.K.Ramakrishnan, learned



Additional Public Prosecutor appearing for the respondent and I have also perused the records carefully.

7. Considering the facts and circumstances of the case and further there are some arguable points in favour of the petitioner / Accused, the appeal is not likely to be disposed of in the near future and there is no question of absconding, I am inclined to suspend the substantive sentence of imprisonment alone pending disposal of the appeal, of course, subject to certain conditions.

8. 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 personal bond for a sum of Rs.10,000/- (Rupees ten thousands only) with two sureties each for a like sum to the satisfaction of the Superintendent, Central Prison, Madurai, thereafter execute regular sureties ie., a bond for a sum of Rs.10,000/- with two sureties each for like sum to the satisfaction of the learned Special Judge, Special Court for Trial of Cases under the Prevention of Corruption Act, Madurai, within a period of two weeks, immediately after the lock-down is lifted.

(ii) The petitioner / Accused is directed to pay a sum of Rs.50,000/- (Rupees Fifty Thousand Only), by way of Demand Draft, in favour of '**The Commissioner, Madurai Corporation, Madurai District**', on or before 15.06.2020, for the purpose of providing facilities to the sanitary workers, as non-refundable compensation, without prejudice his rights in this appeal, since sanitary workers put their lives at risk every day and play a critical role in preventing the spread of COVID-19 Pandemic.

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

sd/-

03/06/2020

/ TRUE COPY /

/ /2020

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



TO

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

2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI,

3. THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
MADURAI DETACHMENT.

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

COPY TO:-

THE COMMISSIONER,
MADURAI CORPORATION,
MADURAI DISTRICT.

+2 CC to M/s.A.S.RAJESWARI, Advocate (SR-5736[I] dated 03/06/2020

ORDER
IN
CRL MP(MD) No.3090 of 2020
IN
CRL A(MD) No.173 of 2020
Date :03/06/2020

STS/MPK
TE/JC/SAR-II : 03/06/2020 : 4P/8C