



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Eighteenth day of June Two Thousand and Twenty

PRESENT

The Hon'ble Mr. Justice M.DHANDAPANI

CRL MP (MD) No.3279 of 2020

IN

CRL A (MD) No.197 of 2020

B.SANKAR

... PETITIONER/APPELLANT/
SINGLE ACCUSED

Vs

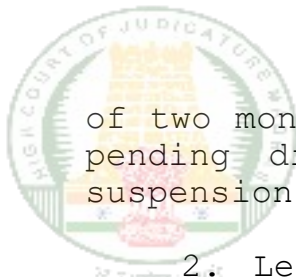
THE STATE REP. BY
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI-CORRUPTION,
MADURAI.
(CR. NO.3/2013)

... 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 imposed in Special Case no.12 of 2014 by the Special Court for Trial of Prevention of Corruption Act Cases, Madurai dated 21/02/2020 and enlarge the petitioner on bail pending disposal of the main Criminal Appeal 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.S.RAVI, Advocate for the petitioner and of MR.K.SUYAMBULINGA BHARATHI, Government Advocate (Criminal side) on behalf of the Respondent while admitting the criminal appeal, the court made the following order:-

The petitioner was charged and tried before the Special Court for trial of Prevention of Corruption Act Cases, Madurai, in Special Case No.12 of 2014 and on being found guilty, the petitioner was convicted and sentenced to rigorous imprisonment for a period of one year for the offence u/s 7 of Prevention of Corruption Act, 1988 and to pay a fine of Rs.200/-, in default, to undergo simple imprisonment for a period of two months and u/s 13(2) r/w 13 (1)(d) of Prevention of Corruption Act, 1988, the petitioner was sentenced to rigorous imprisonment for a period of one year and to pay a fine of Rs.200/-, in default to undergo simple imprisonment for a period



of two months. Aggrieved by the same, while appeal has been filed, pending disposal of the appeal, the petitioner has prayed for suspension of the substantive sentence of imprisonment.

2. Learned counsel appearing for the petitioner submits that there are infirmities and inconsistencies in the testimony of the prosecution witnesses and the petitioner has a bright chance of succeeding in the revision and, hence, prays for suspension of sentence of imprisonment.

3. Per contra, Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side), appearing for the respondent submitted that the prosecution, through cogent and convincing testimony, has proved the offence committed by the accused and the court below, on proper appreciation of the oral and documentary evidence has convicted and sentenced the accused and, therefore, this petition for suspension of sentence is liable to be dismissed.

4. This Court gave its careful consideration to the submissions on either side and also perused the materials available on record.

5. On a consideration of the submissions of either side and taking into consideration the fact that the appeal is not likely to be taken up for hearing in the near future, this Court is of the considered view that this is a fit case for grant of suspension of sentence of imprisonment. Accordingly, this Court is inclined to suspend the substantive sentence of imprisonment imposed on the petitioner/accused.

6. Accordingly, the miscellaneous petition is allowed and the substantive sentence of imprisonment alone stands suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner executes a bond for a sum of Rs.10,000/- with two sureties, each for a likesum, to the satisfaction of the Special Court for Trial of Prevention of Corruption Act Cases, Madurai and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the 1st working day of every English calendar month until further orders.

7. The criminal miscellaneous petition is ordered accordingly.

sd/-
18/06/2020

/ TRUE COPY /

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



TO

1. THE JUDGE,
SPECIAL COURT FOR TRIAL OF 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.3279 of 2020
IN
CRL A(MD) No.197 of 2020
Date :18/06/2020

SKN
SRS/ VR/ SAR-III/ 18.06.2020/ 3P/4C