



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

Friday, the Seventh day of August Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL MP(MD) No.3922 of 2020
IN
CRL A(MD) No.251 of 2020

S.SUDALAIYANDI

... PETITIONER/ APPELLANT

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTICORRUPTION,
TIRUNELVELI, TIRUNELVELI DISTRICT.
CRIME NO.3/2009

... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the petitioner on bail by Suspending the Sentence imposed upon the petitioner in Special Case NO.50 of 2014 on the file of the Learned Special Judge, Special Court for Trial of Cases Under Prevention of Corruption Act, Tirunelveli, Tirunelveli District, by Judgment dated 22.07.2020 pending disposal of the main 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.A.THIRUVADI KUMAR, 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:-

Crl.A.(MD)No.251 of 2020 is preferred against the conviction and sentence passed by the learned Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act, Tirunelveli, in Special Case No.50 of 2014 dated 22.07.2020, in and by which, the Trial Court has convicted the petitioner/accused No.2 as follows:

(i) under Section 7 of Prevention of Corruption Act, 1988, sentenced him to undergo simple imprisonment for one year and to pay a fine of Rs.1,000/-, with the default sentence of six months simple imprisonment;

(ii) under Section 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act, 1988, sentenced him to undergo simple imprisonment for one year and to pay a fine of Rs.1,000/-, with the default sentence of six months simple imprisonment.



The sentences of imprisonment were ordered to run concurrently. In order to suspend the sentence, the present Criminal Miscellaneous Petition in Crl.M.P.(MD)No.3922 of 2020 is filed.

2. The learned counsel for the petitioner/accused No.2 submitted that the demand was made only by the first accused and not by this accused. Further, there is no proof for the demand made by the petitioner. Therefore, the Judgment of conviction and sentence is unsustainable. Moreover, the name of the petitioner does not find place in the FIR and even according to the prosecution, he had come into the picture during the trap. Since there are arguable points in his favour, he prays for allowing this petition.

3.The learned Additional Public Prosecutor has objected this petition and submitted that there are enough materials available to prove the case of the prosecution. He further submitted that the points raised by the petitioner can be considered only at the time of hearing the main appeal.

4.Heard the learned counsel appearing for the petitioner/accused No.2 and the learned Additional Public Prosecutor appearing for the respondent / State.

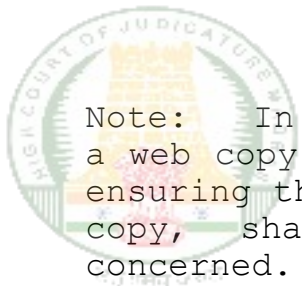
5.The perusal of records including the grounds of appeal refers to certain arguable points involved in this case. However, there is no likelihood of listing the criminal appeal for final hearing in the near future. Considering the nature of the crime and the overall circumstances involved in this case, this Court is of the considered view that the petitioner/accused No.2 is entitled for the relief of grant of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner / accused No.2 is ordered to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act, Tirunelveli, and on further condition that the petitioner / accused No.2 shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m., until further orders.

sd/-
07/08/2020

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



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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- TO
- 1 THE SPECIAL JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER
PREVENTION OF CORRUPTION ACT,
TIRUNELVELI, TIRUNELVELI DISTRICT.
 - 2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTICORRUPTION,
TIRUNELVELI DISTRICT
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.THIRUVADIKUMAR, Advocate (SR-5916[I] dated
07/08/2020)

ORDER
IN
CRL MP(MD) No.3922 of 2020
IN
CRL A(MD) No.251 of 2020
Date :07/08/2020

OGY
JM/JC/SAR 2/07.08.2020/3P/5C