



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

Wednesday, the Ninth day of September Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL MP(MD) No.4443 of 2020
IN
CRL A(MD) No.282 of 2020

S.MALAICHAMY

... PETITIONER/APELLANT/
SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
MADURAI DETACHMENT IN
CRIME NO.09/2012

... 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 on the petitioner by the learned Special Court for Trial of Prevention of Corruption Act Cases, Madurai in Special Case No.25 of 2013 dated 21.08.020 and enlarge him on bail pending disposal of the Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.JEGADEESH PANDIAN, Advocate for the petitioner and of MR.K.K.RAMAKRISHNAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the CRL.A., the court made the following order:-

Crl.A.(MD)No.282 of 2020 is preferred against the conviction and sentence passed by the learned Special Judge, Special Court for Trial of PC Act Cases, Madurai, in Special Case No.25 of 2013 dated 21.08.2020, in and by which, the Trial Court has convicted the petitioner/accused as follows:

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

(ii) under Section 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act, 1988, (prior to amendment) sentenced him to undergo



rigorous imprisonment for one year and to pay a fine of Rs.1,000/-, with the default sentence of two 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.4443 of 2020 is filed.

WEB COPY

2. The learned counsel for the petitioner/accused submitted that the complaint dated 29.10.2012 is a motivated one, only due to the inducement made by some illegal tree cutters in the Village. The alleged demand and acceptance have not been proved by the prosecution. Without considering these vital points, the trial Court has passed the impugned order. 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 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 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 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 PC Act Cases, Madurai, and on further condition that the petitioner / accused shall appear before the said Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

sd/-
09/09/2020

/ 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.4443 of 2020

IN

CRL A(MD) No.282 of 2020

Date :09/09/2020

MS/VR/SAR-1/09.09.2020/3P.4C