



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of September Two Thousand Twenty

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PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.4861 of 2020

IN

CRL A(MD) No.296 of 2020

H.SUBAIR

... PETITIONER/APPELLANT/
ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
MADURAI.
CRIME NO.6 OF 2013

... RESPONDENT/ RESPONDENT/
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence and enlarge the petitioner on bail imposed on the appellant by the Judgment dated 17.09.2020 made in Special Case No.19 of 2014 on the file of Special Court for Trial of PC cases, Madurai.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.M.AJMAL KHAN, Senior Counsel for Mr.J.SULTHAN BASHA, Advocate for M/S.AJMAL ASSOCIATES, Advocate for the petitioner and of Mr.R.ANANDARAJ, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal., the court made the following order:-

Crl.A.(MD)No.296 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.19 of 2014 dated 17.09.2020, in and by which, the Trial Court has convicted the petitioner/accused as follows:

<https://hcservices.ecourts.gov.in/hcservices/>



(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.4861 of 2020 is filed.

2.The learned counsel for the petitioner/accused raised the following grounds that the prosecution has failed to prove the date, time and place of occurrence in a manner known to law and the demand said to have been made by the appellant/accused from the defacto complainant has also not been proved by the prosecution. Without considering the 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. The learned Additional Public Prosecutor also submitted that the trial Court was also pleased to suspend the sentence imposed by the Court under Section 389 (3) Cr.P.C. till 16.10.2020.

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 Criminal 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 Calender month at 10.30 a.m., until further orders.

sd/-
30/09/2020

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/ /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 PC 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.

+1. C.C. to M/S.AJMAL ASSOCIATES Advocate SR.No.6719

ORDER
IN
CRL MP(MD) No.4861 of 2020
IN
CRL A(MD) No.296 of 2020
Date :30/09/2020

TM
TK/PN/SAR.1/30.09.2020/3P/5C