



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

Thursday, the Fifteenth day of October Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD) No.5189 of 2020
IN
CRL A(MD) No.313 of 2020

P.MANI

... PETITIONER/ APPELLANT/
ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION POLICE STATION,
SIVAGANGAI.
CRIME NO.07/2011

... 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 of 4 years of Simple Imprisonment u/s 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988 imposed against the Appellant in Judgment dated 01.10.2020 made in Special C.C.No.80 of 2014 on the file of the Special Court for Trial of Cases Under prevention of Corruption Act, sivagangai and enlarge the Appellant on bail pending disposal of the above Criminal Appeal.

PRAYER IN CRL A(MD) No.313 of 2020:

To call for the judgment of conviction and sentence dated 01.10.2020 passed in Special C.C.No.80 of 2014 on the file of the Special Court for Trial of Cases Under Prevention of Corruption Act, Sivagangai in Crime No.07 of 2011 on the file of the Respondent Police convicting the 1st Appellant U/s 13(2) r/w.13(1)(e) of the Prevention of Corruption Act, 1988 imposing a sentence to undergo Simple Imprisonment for a Period of 4 years and also imposing a fine of Rs.5,000/- in default to undergo 6 months Simple Imprisonment and the 2nd Appellant U/s 109 of IPC r/w. U/s 13(2) r/w.13(1)(e) of the Prevention of Corruption Act, 1988 imposing a sentence to undergo Simple Imprisonment for a period of 4 years and also imposing a fine of Rs.5,000/- in default to undergo 6 months Simple Imprisonment and acquit the Appellants by allowing the above appeal.



Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.K.GOVINDARAJAN, Advocate for M/S.J.LAWRANCE, Advocate for the petitioner, While admitting the CRL.A., the court made the following order:-

WEB COPY

The petitioner has been convicted by the learned trial Judge for the offence under Section 13(2) r/w 13(i)(e) of Prevention of Corruption Act, 1988, to undergo four years simple imprisonment and to pay a fine of Rs.5,000/-, in default of payment of fine to undergo simple imprisonment for a further period of six months under Section 13(2) r/w 13(i)(e) of Prevention of Corruption Act, 1988, in Spl.C.C.No.80 of 2014 on the file of the Special Court for Trial of Cases under Prevention of Corruption Act, Sivagangai.

2.The learned counsel for the petitioner has raised substantial points in the memorandum of appeal, which require a detailed consideration by this Court.

3.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution case in respect of the petitioner and that there are arguable points involved in the appeal and further that the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

4.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Special Judge for Trial of Cases under Prevention of Corruption Act, Sivagangai and on further condition that the petitioner shall appear before the said court on the first working day of every month at 10.30 am, pending appeal.

sd/-
15/10/2020

/ TRUE COPY /

/ /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.



TO

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

2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION POLICE STATION,
SIVAGANGAI.

3 THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

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

+1 CC to M/s.J.LAWRANCE, Advocate (SR-7045[I] dated 15/10/2020)

ORDER
IN
CRL MP (MD) No.5189 of 2020
IN
CRL A (MD) No.313 of 2020
Date :15/10/2020

MS/PN/SAR-2/15.10.2020/3P.6C