



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

Tuesday, the Nineteenth day of January Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.249 of 2021
in
CRL A(MD)No.17 of 2021

P.NARENDRAN

... PETITIONER/ACCUSED(SINGLE)

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
TIRUNELVELI.
CRIME NO.11 of 2007

... RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed by the Special Court for Trial of Cases under the Prevention of Corruption Act, Tirunelveli in Spl.Case No.39 of 2014 vide judgment dated 23/12/2020 and enlarge the petitioner on bail pending the disposal of the main Criminal Appeal pending on the file of this Hon'ble Court.

PRAYER IN CRL A(MD)No.17 of 2021:

Pleased to call for the entire records pertaining to the judgment and conviction delivered by the Special Court for Trial of Cases under the Prevention of Corruption Act, Tirunelveli in Spl.Case No.39 of 2014 vide judgment dated 23.12.2020 and set aside the same and consequently acquit the appellant from all the charges mentioned in the said case.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.ANAND, Advocate for the petitioner and of Mr.K.K.RAMAKRISHNAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.I have perused the petitioner's affidavit filed in support of the above petition, judgment of the trial Court and the memorandum of the appeal.

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3.The petitioner has been convicted by the learned trial Judge for the offence under Sections 7, 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988, to undergo 3 years simple imprisonment and to pay a fine of Rs.10,000/- in default to undergo simple imprisonment for 6 months for the offence under Section 7 of Prevention of Corruption Act and accused is convicted and sentenced to undergo 3 years simple imprisonment and to pay a fine of Rs.10,000/- in default to undergo simple imprisonment for 6 months for the offence under Section 13(2) r/w 13(1) (d) of Prevention of Corruption Act, in Spl.Case No.39 of 2014 on the file of the Special Court for Trial of Cases under Prevention of Corruption Act, Tirunelveli. The trial Court has passed an order in Cr.MP.No.10 of 2020, dated 23.12.2020 suspending the sentence imposed on the petitioner till 22.01.2021.

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

5.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.

6.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, Tirunelveli 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/-
19/01/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE SPECIAL COURT FOR TRIAL OF CASES UNDER
THE PREVENTION OF CORRUPTION ACT, TIRUNELVELI.

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2.THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
TIRUNELVELI.

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

ORDER
IN
CRL MP (MD) No.249 of 2021
in
CRL A (MD) No.17 of 2021
Date :19/01/2021

DAS
TK/VR/SAR.2/19.01.2021/3P/4C