



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

Tuesday, the Second day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.630 of 2021
in
CRL A(MD)No.42 of 2021

R.RAJADURAI

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
MADURAI.
CRIME.NO.8 OF 2011

... RESPONDENT/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 in Special Case No.7 of 2013 by the Special Court for Trial of Prevention of Corruption Act Cases, Madurai dated 11.01.2021 and enlarge the petitioner on bail pending disposal of the main Criminal Appeal.

PRAYER IN CRL A(MD)No.42 of 2021:

Pleased to set aside the conviction and sentence passed in Spl.Case.No.7 of 2013 dated 11.01.2021 by the learned Special Judge for trial of Prevention of Corruption Act Cases, Madurai.

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.S.RAVI, 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.



3.The petitioner has been convicted by the learned trial Judge for the offences under Sections 7 and 13(2) r/w. 13(1)(d) of Prevention of Corruption Act, 1988 to undergo 2 years Rigorous imprisonment for each offence and to pay a fine of Rs.1,000/- each offence in default to undergo simple imprisonment for two months in Spl.Case.No.07 of 2013 on the file of the Special Court for Trial of Prevention of Corruption Act Cases, Madurai.

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 Prevention of Corruption Act Cases, Madurai, 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/-
02/02/2021

/ TRUE COPY /

/ /2021
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 PREVENTION OF
CORRUPTION ACT CASES, MADURAI.

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



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.630 of 2021
in
CRL A (MD) No.42 of 2021
Date : 02/02/2021

TRP
TK/VR/SAR.3/02.02.2021/3P/4C