



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

Wednesday, the Twenty Fourth day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.2561 of 2021
in
CRL.A. (MD) No.155 of 2021

U.MANOCHARAN

... PETITIONER/ APPELLANT

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SIVAGANGAI DISTRICT.
CRIME NO.6 OF 2005.

... 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 as per the judgment of the learned Special Court for Trial of Cases under Prevention of Corruption Act, Sivagangai in Spl.C.C.No.19 of 2014 dated 19.03.2021 pending disposal of the above Criminal Appeal.

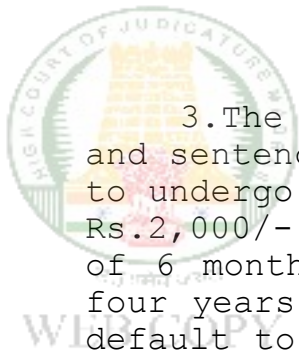
PRAYER IN CRL.A. (MD) No.155 of 2021:

To call for the records pertaining to the judgment of conviction and sentenced by the learned Special Court for Trial of Cases under Prevention of Corruption Act, Sivagangai in Spl.C.C.No.19 of 2014 dated 19.03.2021 and allow the Criminal Appeal.

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.VEERA KATHIRAVAN, Senior Counsel for M/S.VEERA ASSOCIATES 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 and sentenced him for the offence under Sections 120(B) r/w 420 IPC, to undergo Rigorous Imprisonment for four years and to pay a fine of Rs.2,000/- in default to undergo Rigorous Imprisonment for a period of 6 months ; for the offence under Section 468 IPC, to undergo four years Rigorous Imprisonment and to pay a fine of Rs.2,000/- in default to undergo Rigorous Imprisonment for a period of 6 months ; for the offence under Section 471 IPC, to undergo two years Rigorous Imprisonment and to pay a fine of Rs.2,000/- in default to undergo Rigorous Imprisonment for a period of 6 months ; for the offence under Sections 13 (1) (c) r/w 13(2) of Prevention of Corruption Act, to undergo four year Rigorous Imprisonment and to pay a fine of Rs.2,000/- in default to undergo Rigorous Imprisonment for a period of 6 months ; for the offence under Sections 409 r/w 109 IPC, to undergo four years Rigorous Imprisonment and to pay a fine of Rs.2,000/- in default to undergo Rigorous Imprisonment for a period of 6 months ; and for the offence under Section 420 IPC to undergo four years Rigorous Imprisonment and to pay a fine of Rs.2,000/- in default to undergo Rigorous Imprisonment for a period of 6 months, in Spl.C.C.No.19 of 2014 on the file of the Special Court for Trial of Cases under Prevention of Corruption Act, Sivagangai.

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, 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/-
24/03/2021

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



TO

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

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SIVAGANGAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

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

+2. C.C. to M/S.VEERA ASSOCIATES Advocate SR.Nos.2488 & 2504

ORDER

IN

CRL MP (MD) No.2561 of 2021

in

CRL.A.(MD)No.155 of 2021

Date :24/03/2021

das

MS/VR/SAR-2/24.03.2021/3P.7C