



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.2562 of 2021
in
CRL.A.(MD)No.156 of 2021

1 A.SWAMINATHAN
2 S.MANO HAR @ MANOHARAN

... PETITIONERS/ APPELLANTS/
ACCUSED 1 AND 5

- Vs-

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SIVAGANGAI.
CRIME NO.06 OF 2005.

... 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 by the Learned Special Court for Trial of Cases Under Prevention or Corruption Act, Sivagangai, dated 19.03.2021 made in Spl.C.C.No.19 of 2014, pending disposal of the Criminal Appeal.

PRAYER IN CRL.A.(MD)No.156 of 2021:

To call for the records and set aside the judgment dated 19.03.2021 made in Special C.C.No.19 of 2014 on the file of Learned Special Court for Trial of Cases Under Prevention or Corruption Act, Sivagangai and allow the above 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 petitioners 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 petitioners and the learned Additional Public Prosecutor appearing for the respondent.



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

3. The petitioners have been convicted by the learned trial Judge and sentenced 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 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 and the first petitioner has been convicted and sentenced 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 further, for the offences under Section 409 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 that the second petitioner has been convicted and sentenced for the offences 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, 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 petitioners 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 petitioners that there are several infirmities in the prosecution case in respect of the petitioners 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 petitioners herein are 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 petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties each for a like sum to the satisfaction of the Judge for Trial of Cases under Prevention of



Corruption Act, Sivagangai and on further condition that the petitioners shall appear before the said Court on the first working day of every month at 10.30 am, pending appeal.

sd/-
24/03/2021

WEB COPY

/ TRUE COPY /

/ /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 OR CORRUPTION ACT, SIVAGANGAI

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

3 THE SUPERINTENDENT, CENTRAL JAIL,
MADURAI.

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

+2 CC to M/s.M/S.VEERA ASSOCIATES, Advocate (SR-2503[I] dated
24/03/2021)

ORDER

IN

CRL MP(MD) No.2562 of 2021 IN
CRL.A.(MD)No.156 of 2021

Date :24/03/2021

das

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