



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

Thursday, the Second day of December Two Thousand and Twenty One
PRESENT

The Hon'ble Mr.Justice G.ILANGOVAN

CRL MP(MD) No.10569 of 2021

IN

CRL A(MD) No.502 of 2021

R.JEYARAMAN

... PETITIONER/APPELLANT

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
NAGERCOIL.
(CRIME NO. 6 OF 2011).

... RESPONDENT/RESPONDENT

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 Judge cum Chief Magistrate, Kanniyakumari District at Nagercoil in Spl.SC.No.8 of 2012 dt.11.11.2021 and enlarge the Petitioner on bail until pending disposal of the Criminal Appeal.

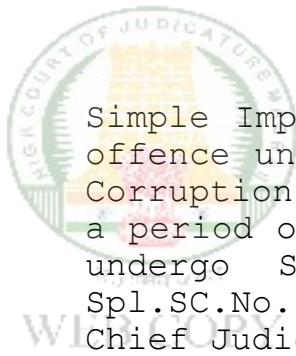
Prayer in CRL A(MD). 502/ 2021 :

To call for the records set aside the Judgment of the Learned Special Judge-cum-Chief Judicial Magistrate, Kanyakumari District at Nagercoil made in Spl.S.C.No.8/2012 dated 11.11.2021 and acquit the Appellant / Accused for the charges.

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.K.VENKATARAMANI, Senior Counsel for M/S.RAVI T.R., Advocate for the petitioner and of Mr.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the petitioner in Spl.SC.No.8 of 2012, dated 11.11.2021 on the file of the learned Special Judge cum Chief Judicial Magistrate, Kanniyakumari District and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

2. The learned counsel appearing for the petitioner submitted that the petitioner was convicted by the trial Judge, for the alleged offence under Section 7 of the Prevention of Corruption Act, 1988 and sentenced to undergo Rigorous Imprisonment for a period of one year and to pay a fine of Rs.10,000/-, in default to undergo



Simple Imprisonment for a period of two months and for the alleged offence under Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988, sentenced to undergo Rigorous Imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default to undergo Simple Imprisonment for a period of two months in Spl.SC.No.8 of 2012 on the file of the learned Special Judge cum Chief Judicial Magistrate, Kanniyakumari District.

3. It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

4. It is submitted by the learned Additional Public Prosecutor that there are enough materials available on record against the petitioner.

5. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6. The learned counsel appearing for the petitioner pointed out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this Criminal Appeal and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal on the following conditions.

(i) the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute 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 learned Special Judge cum Chief Judicial Magistrate, Kanniyakumari District.

(ii) On further condition that the petitioner shall appear before the said Court once in a week ie., on the first working day of every week at 10.30 am, pending appeal.

sd/-
02/12/2021

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/ /2021

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



TO

1. THE SPECIAL JUDGE-CUM-CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL

2. THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
NAGERCOIL.

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

+1 CC to M/s.T.R.RAVI, Advocate (SR-8771[I] dated 02/12/2021)

ORDER IN
CRL MP(MD) No.10569 of 2021
IN
CRL A(MD) No.502 of 2021
Date :02/12/2021

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USK/PN/SAR-III/(03.12.2021) 3P-5C