



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

Friday, the Seventeenth day of December Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.11159 of 2021
IN
CRL A(MD) No.516 of 2021

P.SUBRAMANIAN

... PETITIONER/APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
SIVAGANGAI.
CR.NO. 05 OF 2008.

... 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 in Spl.CC.No.46 of 2014 on the file of the Special Court for Trail of cases under Prevention of Corruption Act, Sivagangai dt.30.11.2021 and enlarge on bail to the Petitioner,pending disposal of the above Criminal Appeal.

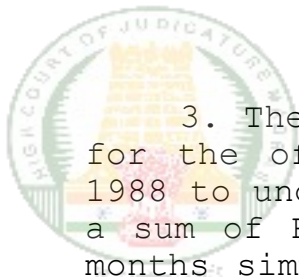
PRAYER IN CRL A(MD)No.516 of 2021:

To Call for records and allow the Appeal and set aside the Judgment imposed in Spl.C.C.No.46 of 2014 on the file of the Special Court for Trial of Cases under Prevention of Corruption Act, Sivagangai, dated 30.11.2021 and thus render justice.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.RAJKUMAR SEN A, Advocate for the petitioner and of MR.RMS.SETHURAMAN, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

Heard the learned counsel appearing 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 offence under Section 7 of Prevention of Corruption Act, 1988 to undergo four years of simple imprisonment and ordered to pay a sum of Rs.5,000/- as fine, failing which to undergo further six months simple imprisonment and for the offence under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 to undergo four years of simple imprisonment and ordered to pay a sum of Rs.5,000/- as fine, failing which to undergo further six months simple imprisonment in Spl.C.C.No.46 of 2014 on the file of the Special Court for trial of Cases under Prevention of Corruption Act, Sivagangai. Both the sentences of imprisonment were ordered to run concurrently.

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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court 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/-

17/12/2021

/ TRUE COPY /

22/12/2021

Sub-Assistant Registrar (C.S.III)
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



TO

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

2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI-CORRUPTION,
SIVAGANGAI.

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

+1 CC to M/s.A.RAJKUMAR SEN, Advocate (SR-9459[I] dated
17/12/2021)

ORDER IN
CRL MP(MD) No.11159 of 2021
IN CRL A(MD) No.516 of 2021
Date :17/12/2021

RS/VR/SAR3(22.12.2021) 3P-6C