



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

Monday, the Twentieth day of December Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.11275 of 2021

IN

CRL A(MD) No.519 of 2021

PERIYASAMY

... PETITIONER/APPELLANT
(ACCUSED NO.1)

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION WING,
SIVAGANGAI,
CR.NO.05 OF 2018

... 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 on the Appellant / Accused No.1 passed in Special C.C.No.46 of 2014, on the file of the Learned Special Judge for the trial of cases under Prevention of Corruption Act, Sivagangai Dated 30/11/2011 and enlarge the petitioner on bail pending disposal of the instant criminal appeal and thus render Justice.

PRAYER IN CRL A(MD) No.519 of 2021:

To admit the appeal preferred by this Appellant and call for the records from the Lower Court in Special C.C.No.46/2014 on the file of the Learned Special Judge for the trial of cases under Prevention of Vigilance and Anti Corruption Act, Sivagangai dated 30.11.2021 and set aside the conviction and sentence and pass suitable orders 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 MR.N.ANANTHAPADMANABHAN FOR M/S.APN LAW ASSOCIATES, for the petitioner and of MR.RMS.SETHURAMAN, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

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



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.

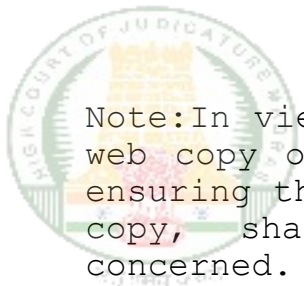
5.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution case in respect of the petitioner and that there are arguable points involved in the appeal and further that the appeal 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 learned Special Judge for trial of Cases under Prevention of Vigilance and Anticorruption 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/-
20/12/2021

/ TRUE COPY /

21/12/2021
Sub-Assistant Registrar (C.S.II)
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.

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TO

- 1 THE SPECIAL JUDGE FOR TRIAL OF CASES UNDER
PREVENTION OF VIGILANCE AND ANTICORRUPTION ACT,
SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION WING,
SIVAGANGAI.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.APN LAW ASSOCIATES, Advocate (SR-9516[I] dated
21/12/2021)

ORDER

IN

CRL MP(MD) No.11275 of 2021

IN CRL A(MD) No.519 of 2021

Date :20/12/2021

RS/VR/SAR2(21.12.2021) 3P-6C