



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Twenty Third day of December Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL.M.P. (MD) No.11841 of 2021

in

CRL.A. (MD) No.545 of 2021

K.SRINIVASAN

... PETITIONER/ APPELLANT / ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
TRICHIRAPPALLI.
CRIME NO.7 OF 2009.

... 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 in Spl.C.C.2 of 2014 dated 16.12.2021 on the file of the learned Special Court for Vigilance and Anti-Corruption Cases cum Chief Judicial Magistrate, Karur.

Prayer in CRL.A.(MD)No.545 of 2021:

To call for the records relating to the judgment passed in Spl.C.C.2 of 2014 dated 16.12.2021 on the file of the learned Special Court for Vigilance and Anti-Corruption Cases cum Chief Judicial Magistrate, Karur and set aside the same and acquit the appellant/accused from all charges leveled against the petitioner.

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.S.G.L.RISHWANTH, Advocate for the petitioner and of Additional Public Prosecutor on behalf of the Respondent, While admitting the Crl.A, 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



3.The petitioner has been convicted by the learned trial Judge and sentenced him for the offence under Section 7 of Prevention of Anti-Corruption Act, 1988, to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.20,000/- in default to undergo one year Rigorous Imprisonment and under Section 13(2) r/w 13(1), (d) of Prevention of Corruption Act, 1988, to undergo four years Rigorous Imprisonment and to pay a fine of Rs.20,000/- in default to undergo one year Rigorous Imprisonment, in Spl.C.C.No. 2 of 2014 on the file of the Special Court for Vigilance and Anti-Corruption Cases cum Chief Judicial Magistrate, Karur.

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 Vigilance and Anti-Corruption Cases cum Chief Judicial Magistrate, Karur 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/-

23/12/2021

/ TRUE COPY /

/ /2021

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

TO

1 THE SPECIAL COURT FOR VIGILANCE AND ANTI-CORRUPTION
CASES CUM CHIEF JUDICIAL MAGISTRATE,
KARUR.

2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,

<https://hcservice.courts.madras.gov.in/>



3 THE OFFICER INCHARGE,
SUB JAIL, KULITHALAI.

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

+1 CC to MR.S.G.RISHWANTH, Advocate (SR-9781[I] dated 27/12/2021)

ORDER

IN

CRL.M.P. (MD) No.11841 of 2021

in

CRL.A. (MD) No.545 of 2021

Date : 23/12/2021

DAS

MK/PN/SAR.II/28.12.2021/3P/6C