



*Crl.M.P.No.12366 of 2022 in
Crl.A.No.674 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.M.P.No.12366 of 2022

in

Crl.A.No.674 of 2022

M.Muralidharan

... Petitioner/Appellant/1st Accused

Vs.

State of Tamil Nadu rep.by
The Inspector of Police,
Vigilance and Anti-Corruption,
Salem.

... 1st Respondent/Complainant

PRAYER: This Criminal Miscellaneous Petition has been filed under Section 389 (1) Cr.P.C, to suspend the sentence and conviction imposed against the appellant by judgment dated 16.06.2022 in Spl.C.C.No.107 of 2014 passed by the learned Chief Judicial Magistrate, Salem and enlarge the petitioner on bail till the disposal of the above Criminal Appeal.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

The 1st accused who is the appellant in the above Criminal Appeal, seeks suspension of sentence awarded in Spl.C.C.No.107 of 2014 dated 16.06.2022.



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2. The petitioner faced the trial for the offences punishable under Sections 120-B, r/w 420, 465, 468, 471 I.P.C and 7, 12, 13(2) r/w 13 (1)(a) of Prevention of Corruption Act, 1988 and 109 I.P.C.

3. Based upon the oral and documentary evidence adduced before the trial Court, the trial Court has held that the charge under Sections 465, 468, 471 IPC and 13(1) (a) and 13(2) of the PC Act proved and acquitted the petitioner under Sections 120-B and 420 of IPC. Accordingly, the appellant/A1 was convicted and sentenced as follows:

Offence under Section	Sentence
465 IPC	To undergo RI for one year and to pay a fine of Rs.2,000/- and in default, to undergo SI for one month.
468 IPC	To undergo RI for two years and to pay a fine of Rs.2,000/- and in default, to undergo SI for one month.
471 IPC	To undergo RI for two years and to pay a fine of Rs.2,000/- and in default, to undergo SI for one month.
13(2) of PC Act	To undergo RI for two years and to pay a fine of Rs.5,000/- and in default, to undergo SI for one month.
Sentences are directed to run concurrently.	

Challenging the above conviction and sentence, appeal has been filed in Crl.A.No.674 of 2022 along with CMP No.12366 of 2022, seeking suspension of sentence imposed upon him.



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4. The learned counsel for the appellant/petitioner A1 filed medical certificates of the petitioner to show that he was already fixed with stent in view of the block in the artery and after the earlier order, again he had complaints of chest pain and in further investigation, the Doctor has opined that he has a well known case of Coronary Artery Disease – Old Inferior Wall Myocardial Infarction, Single Vessel Disease for which he underwent PTCA and was also advised to undergo coronary angiogram and further opined to consult the Interventional Cardiologist. After going through further reports of medical prescriptions and also the E.C.G taken on 12.08.2022, the Doctor has opined that the petitioner needs coronary angiogram in view of exertional angina with breathlessness to decide on further management and the said Doctor also based upon E.C.G to opine that he suffers from Diastolic Dysfunction along with Mitral Regurgitation and hence I find that sending the person to prison will be hazardous as the present medical condition of the petitioner cannot be convenient to send him to custody .

5. Hence the plea raised by the petitioner for suspension of sentence on medical grounds appears to be just and fair in view of the medical conditions as reflected in E.C.G is concerned and as per the opinion of the Interventional Cardiologist, he has to undergo coronary angioplasty. Therefore, I am inclined to grant suspension of sentence only on medical grounds.



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6. Accordingly, till the disposal of the Criminal Appeal, the substantive sentences of imprisonment alone is suspended and the Petitioner/accused-1 is ordered to be enlarged on bail, on the following conditions:-

- i. The Petitioner/Accused-1 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties for a like sum to the satisfaction of the learned Special Judge (Special Court for Trial of Cases under the Prevention of Corruption Act), Salem.
- ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and
- iii. The Petitioner/accused-1 shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m., till the disposal of the appeal.

16.08.2022

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Internet:Yes

Note: Issue order copy on 16.08.2022



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RMT.TEEKAA RAMAN.J.,

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