



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

Wednesday, the Twelfth day of January Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.465 of 2022
IN
CRL A(MD) No.9 of 2022

P.MEENAMMAL

... APPELLANT/PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION WING,
VIRUDHUNAGAR DISTRICT.

... 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 in Spl.CC.No.48 of 2014 by the Learned Chief Judicial Magistrate cum Special Court for Vigilance and Anti Corruption Cases, Srivilliputhur dt.30.12.2021 and enlarge Petitioner on bail pending disposal of the above Appeal.

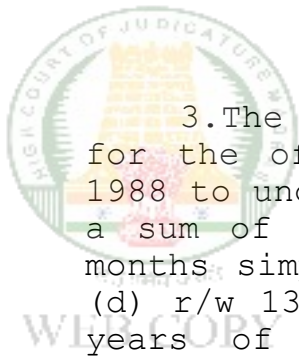
Prayer in CRL A(MD) No.9 of 2022:

To call for the records and to set aside the judgment and sentence passed in Spl.CC.No.48/2014 by the Learned Chief Judicial Magistrate cum Special Court for Vigilance and Anti Corruption Cases, Srivilliputhur dt.30.12.2021.

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.KARUPPASAMY PANDIYAN G, Advocate for the petitioner and of MR.M.MUTHU MANICKAM, GOVERNMENT ADVOCATE (CRL.SIDE) on behalf of the Respondent the court made the following order:-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) 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 one year of rigorous imprisonment and ordered to pay a sum of Rs.5,000/- as fine, in default, to undergo further two months simple imprisonment and for the offence under Section 13(1) (d) r/w 13(2) of Prevention of Corruption Act, 1988 to undergo two years of rigorous imprisonment and ordered to pay a sum of Rs.5,000/- as fine, in default, to undergo further two months simple imprisonment in Spl. C.C.No.48 of 2014 on the file of the learned Chief Judicial Magistrate Cum Special Court for Vigilance and Anti Corruption Cases, Srivilliputhur. 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.

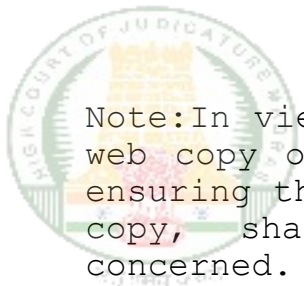
5.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution case in respect of the petitioner and that there are arguable points involved in the appeal and further that the appeal 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 Chief Judicial Magistrate Cum Special Court for Vigilance and Anti Corruption Cases, Srivilliputhur 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/-
12/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
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 CHIEF JUDICIAL MAGISTRATE CUM SPECIAL COURT
FOR VIGILANCE AND ANTI CORRUPTION CASES,
SRIVILLIPUTHUR.
 - 2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION WING,
VIRUDHUNAGAR DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.465 of 2022
IN
CRL A(MD) No.9 of 2022
Date :12/01/2022

RS/PN/SAR.1(12.01.2022) 3P-4C