



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Thirteenth day of April Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.4836 of 2022

IN

CRL.A.(MD) No.283 of 2022

P.GOVINDARAJ

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
VIRUDHUNAGAR.
(CR.NO.8/2008).

... 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 operation and execution of sentence imposed by the Learned Special Judge/Cheif Judicial Magistrate, Virudhunagar District at Srivilliputhur in Special C.C.No.47/2014 dated 08.04.2022 till the disposal of appeal and may be pleased to enlarge the above Petitioner/Appellant on bail till the disposal of pending appeal.

PRAYER IN CRL A(MD) No.283 of 2022 :

Pleased to call for the records and to allow this appeal by setting aside the impugned Judgment and Conviction imposed in Spl.C.C.No.47/2014 dated 08.04.2022 by the learned Special Judge / Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur and may be pleased to acquit the Appellant/Accused from the charges of framed against the Appellant/Accused.

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. MARIAPPAN.G., Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-



This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Special Judge/Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur, dated 08.04.2022 in Spl.C.C.No.47 of 2014 and enlarge the petitioner on bail.

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2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offences under Sections 7(1), 13(1)(d) r/w 13(2) of Prevention of Corruption Act and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for a period of 2 months, for the alleged offence under Section 7(1) of Prevention of Corruption Act and sentenced him to undergo imprisonment for a period of two years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for a period of 2 months for the alleged offence under Section 13(1)(d) r/w 13(2) of Prevention of Corruption Act, in Spl.C.C.No.47 of 2014 on the file of the learned Special Judge/Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur.

3.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. The learned counsel for the petitioner further submitted that suspension of sentence has already been granted by the trial court till 08.05.2022.

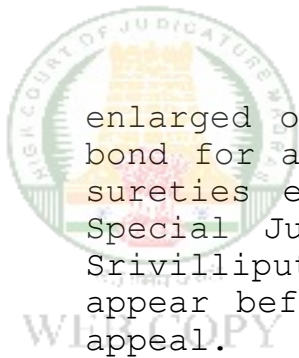
4.It is submitted by the learned Additional Public Prosecutor that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and he strongly opposed to grant suspension of sentence.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended

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enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge/Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur, and on further condition that the petitioner shall appear before the said Court once in a week at 10.30 a.m. pending appeal.

sd/-
13/04/2022

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13/04/2022
Sub-Assistant Registrar (C.S-I)
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.

TO

1. THE SPECIAL JUDGE/CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
2. THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
VIRUDHUNAGAR.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.MARIAPPAN, Advocate (SR-3389[I] dated 13/04/2022)

ORDER
IN
CRL MP(MD) No.4836 of 2022
IN
CRL.A.(MD) No.283 of 2022
Date :13/04/2022

DSS
USK/VR/SAR-I/13.04.2022/3P/5C