



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

Thursday, the Twenty Eighth day of April Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.5549 of 2022

IN

CRL A(MD) No.321 of 2022

M.KRISHNAN

... ACCUSED/APPELLANT/PETITIONER

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

VIGILANCE & ANTI CORRUPTION,

MADURAI.

(CR.NO.21/2010)

... COMPLAINANT/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 in Special Case No.10 of 2013 by the Special Court for Trial of Prevention of Corruption Act Cases, Madurai dated 21.04.2022 and enlarge the petitioner on bail pending disposal of the main Criminal Appeal.

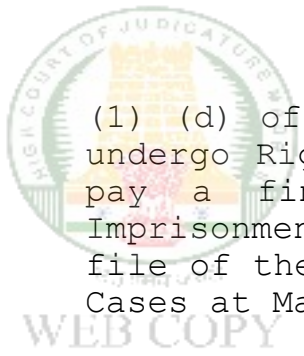
PRAYER IN CRL A(MD) No.321 of 2022:

To call for records and set-aside the conviction and sentence imposed upon the Appellant/Accused by the Special Judge, Special Court for Cases under Prevention of Corruption Act, Madurai in Special Calender Case No.10 of 2013 dated 21.04.2022 and allow the Appeal.

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.ANBALAGAN.S., Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the Special Court for Trial of Prevention of Corruption Act Cases, Madurai, dated 21.04.2022 in Spl.C.C.No.10 of 2013 and enlarge the petitioner on bail.

2.The learned counsel for the petitioner submitted that the petitioner was found guilty and convicted by the learned trial judge, for the alleged offence under Section 7 of Prevention of Corruption Act, 1988 and sentenced him to undergo Rigorous Imprisonment (R1) for a period of one year and to pay a fine of Rs.1,000/-, and in default to undergo Simple Imprisonment (SI) for three months, and for the alleged offence under Section 13(2) r/w 13



(1) (d) of Prevention of Corruption Act, 1988 and sentenced him to undergo Rigorous Imprisonment (RI) for a period of one year and to pay a fine of Rs.1,000/- and in default to undergo Simple Imprisonment (SI) for three months in Spl.C.C.No.10 of 2013 on the file of the Special Court for Trial of Prevention of Corruption Act Cases at Madurai

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 19.05.2022.

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 pending disposal of the appeal and the petitioner is directed to be 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 Special Court for Trial of Prevention of Corruption Act Cases at Madurai and on further condition that the petitioner shall appear before the said Court once in a month at 10.30 a.m. pending appeal.

sd/-

28/04/2022

/ TRUE COPY /

28/04/2022

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



TO

1 THE SPECIAL JUDGE,
SPECIAL COURT FOR TRIAL OF PREVENTION OF CORRUPTION ACT CASES,
MADURAI.

2 THE INSPECTOR OF POLICE
VIGILANCE & ANTI CORRUPTION,
MADURAI.

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

+1 CC TO MR.S.ANBALAGAN, Advocate (SR-4086 dated 29.04.2022)

ORDER

IN

CRL MP(MD) No.5549 of 2022

IN

CRL A(MD) No.321 of 2022

Date :28/04/2022

RS/VR/SAR.2 (28.04.2022) 3P-5C