



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

Thursday, the Nineteenth day of May Two Thousand and Twenty Two
PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL MP(MD) No.5635 of 2022
IN
CRL A(MD)No.324 of 2022

S.THANUMOORTHY

... PETITIONER/APPELLANT/
ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION WING,
NAGERCOIL.
CRIME NO.7 OF 2007.

... 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 and conviction imposed by the Learned Special Judge cum Chief Judicial Magistrate, Kanyakumari District at Nagercoil dated 08.04.2022 in Spl.SC.No.2 of 2009 and enlarge the petitioner on bail, pending disposal of the main Appeal.

PRAYER IN CRL A(MD)No.324/2022:

Pleased to call for the records and allow this appeal and set aside the impugned Judgment of conviction and sentence passed by the Learned Special Judge cum Chief Judicial Magistrate, Kanyakumari District at Nagercoil dated 08.04.2022 in Special S.C.No.2 of 2009.

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.DILIP KUMAR.N, Advocate for the petitioner and of M/s.M.AASHA, Government Advocate(crl.side) on behalf of the Respondent, While admitting the CRL.A., the court made the following order:-

The petitioner seeks suspension of sentence namely, incarceration for a period of one year imposed upon him for the offences under Sections 7 and 13 (2) r/w 13(1)(d) of Prevention of Corruption Act, vide judgment, dated 08.04.2022 in S.C.No.2 of 2009 on the file of the learned Special Judge cum Chief Judicial Magistrate, Kanyakumari District at Nagercoil.

2.The learned counsel for the petitioner would submit that the trial Court has suspended the sentence upto 06.05.2022 and the petitioner has been falsely implicated in the case.



3. Heard Ms.M.Aasha, learned Government Advocate (Criminal Side) for the respondent.

4. This Court do not propose to dwell deep into the evidence at this stage, as the same would affect the disposal of the appeal. On an over-all analysis of the evidence, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

5. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment imposed on the petitioner is suspended, subject to the following conditions:

i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special Judge cum Chief Judicial Magistrate, Kanyakumari District at Nagercoil.

ii. The petitioner shall appear before the learned Special Judge cum Chief Judicial Magistrate, Kanyakumari District at Nagercoil, once in a month on the first working day of the every English Calendar month at 10.30 a.m., till the disposal of the Criminal Appeal.

sd/-

19/05/2022

/ TRUE COPY /

20/05/2022

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

TO

1 THE SPECIAL JUDGE CUM CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION WING, NAGERCOIL.

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

+1. C.C. to M/S.DILIP KUMAR.N Advocate SR.No.4973

ORDER IN

CRL MP(MD) No.5635 of 2022
IN

CRL A(MD)No.324 of 2022

Date :19/05/2022