



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

Friday, the Tenth day of June Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.6436 of 2022
IN
CRL A(MD) No.366 of 2022

A.CHINNIAH KUMAR

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI-CORRUPTION,
TIRUNELVELI DETACHMENT.
CRIME.NO.13 OF 2005

... RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by suspending the sentence imposed by the learned Special Judge for Trial of Cases under the Prevention of Corruption Act, Tirunelveli in Special Case No.19 of 2014 vide his Judgment dated 30/05/2022 pending the disposal of the main criminal appeal.

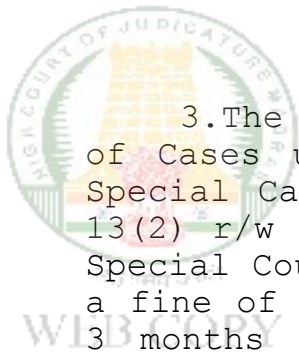
Prayer in CRL A(MD) No.366 of 2022:

To call for the entire records pertaining to the judgment delivered by the learned Special Judge for Trial of Cases under the Prevention of Corruption Act, Tirunelveli in Special Case No.19 of 2014 vide judgment dated 30.05.2022 and set aside the same and consequently acquit the appellant honourably.

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.ANAND.R, 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:-

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor 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 was convicted by the Special Judge for Trial of Cases under the Prevention of Corruption Act, Tirunelveli, in Special Case No.19 of 2014, for the offences under Sections 7 and 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988. The Special Court has imposed two years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for 3 months for the offence under Section 7 of the Prevention of Corruption Act and sentenced to undergo 3 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for 3 months for the offence under Section 13(2) r/w 13(1) (d) of the Prevention of Corruption Act. The above sentences shall run concurrently. The Trial Court has passed an order in Cr.MP.No.92 of 2022, dated 30.05.2022 suspending the sentence imposed on the petitioner till 29.06.2022.

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.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the Special Judge for Trial of Cases under the Prevention of Corruption Act, Tirunelveli 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/-
10/06/2022

/ TRUE COPY /

14/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE SPECIAL JUDGE FOR TRIAL OF CASES UNDER
THE PREVENTION OF CORRUPTION ACT,
TIRUNELVELI.

2 THE INSPECTOR OF POLICE, VIGILANCE AND ANTI-CORRUPTION,
TIRUNELVELI DETACHMENT, TIRUNELVELI.

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

+1 CC to M/s.R.ANAND, Advocate (SR-5506[I] dated 14/06/2022)

ORDER
IN
CRL MP(MD) No.6436 of 2022
IN
CRL A(MD) No.366 of 2022
Date :10/06/2022

RS/PN/SAR.3 (14.06.2022) 3P-5C