



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

Wednesday, the Fifteenth day of June Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.6627 of 2022
IN
CRL A(MD)No.376 of 2022

MANOHARAN

... APPELLANT/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
RAMANATHAPURAM DETACHMENT.
CRIME.NO.3 OF 2003

... 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 imposed against the appellant in Spl.C.C.No. 7/2005 dt 26/05/2022 on the file of the Special Judge cum Chief Judicial Magistrate for Trial of Cases under Prevention of Corruption Act, Ramanathapuram and enlarge the appellant on bail pending disposal of above criminal appeal.

PRAYER IN CRL.A(MD)No.376 of 2022:

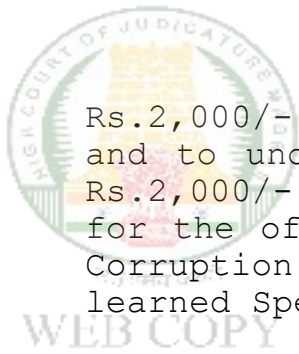
Pleased to call for the records relating to the judgment in Spl.C.C.No.7/2005 dated 26.05.2022 on the file of the Special Judge Cum Chief Judicial Magistrate for Trial of Cases under prevention of Corruption Act, Ramanathapuram and set aside the same and allow this Criminal Appeal.

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.SUBASH BABU.M, Advocate for the petitioner and of Mr.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, While admitting the Crl.A., 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 has been convicted by the learned trial Judge for the offence under Section 7 of Prevention of Corruption Act, 1988, to undergo one year rigorous imprisonment and to pay a fine of



Rs.2,000/- in default to undergo simple imprisonment for 2 months and to undergo 1 year rigorous imprisonment and to pay a fine of Rs.2,000/- in default to undergo simple imprisonment for 2 months for the offence under Section 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988, in Spl.C.C.No.7 of 2005 on the file of the learned Special Judge cum Chief Judicial Magistrate, Ramanathapuram.

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 learned Special Judge cum Chief Judicial Magistrate, Ramanathapuram 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/-
15/06/2022

/ TRUE COPY /

16/06/2022
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.



TO

1 THE SPECIAL JUDGE CUM CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

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

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

+1 cc to Mr.M.SUBASH BABU, Advocate, SR.No.5648 (DATE:16.06.2022)

ORDER IN

CRL MP (MD) No.6627 of 2022
IN

CRL A (MD) No.376 of 2022
Date :15/06/2022

SA/PN/SAR.3/16.06.2022/3P/5C