



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

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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.6772 of 2022
in
Crl.A.(MD)No.383 of 2022

S.MANOCHARAN

... PETITIONER/APPELLANT/ACCUSED

Vs

THE STATE REP. BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
KANYAKUMARI DETACHEMENT AT
NAGERCOIL.

... RESPONDENT/RESPONDENT/COMPLAINANT

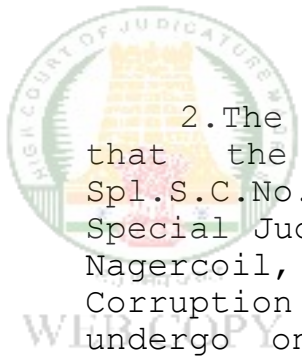
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed on the petitioner by the Learned Special Judge cum Chief Judicial Magistrate, Kanyakumari District at Nagercoil in S.C.No.2/2012 on 17.05.2022 on enlarge him on bail pending disposal of the Criminal Appeal.

PRAYER IN in Crl.A. (MD)No.383 of 2022 :

To allow the appeal and to call for the records and to set aside the conviction and sentence passed by the Learned Special Judge cum Chief Judicial Magistrate, Kanyakumari District at Nagercoil in Special SC No.2/2012 on 17.05.2022.

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.VICTORIA GOWRI L, 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 petition has been filed to suspend the sentence passed in Spl.S.C.No.2 of 2012, dated 17.05.2022, on the file of the learned Special Judge cum Chief Judicial Magistrate, Kanyakumari District at Nagercoil, till the disposal of this Criminal Appeal.



2.The learned counsel appearing for the petitioner submitted that the trial Court convicted the petitioner/accused in Spl.S.C.No.2 of 2012, dated 17.05.2022, on the file of the learned Special Judge cum Chief Judicial Magistrate, Kanyakumari District at Nagercoil, for the offence under Section 7 of Prevention of Corruption Act, 1988 (prior to the amendment) and sentenced him to undergo one year Rigorous Imprisonment and to pay a fine of Rs.1,000/- in default to undergo two months Simple Imprisonment, for the offence under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 (prior to the amendment) sentenced him to undergo one year Rigorous Imprisonment and to pay a fine of Rs.1,000/- in default to undergo two months Simple Imprisonment and further ordered that both the sentences of imprisonment were ordered to run concurrently. The Trial Court has suspended the sentence imposed on the petitioner from 17.05.2022 to 16.06.2022. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel appearing for the petitioner submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

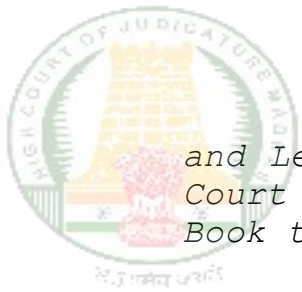
4. The learned counsel appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

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 appearing 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 relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-

17/06/2022

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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,
KANYAKUMARI DISTRICT AT NAGERCOIL.
2. THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
KANYAKUMARI DETACHEMENT AT NAGERCOIL
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.L.VICTORIA GOWRI, Advocate (SR-5735[I] dated 17/06/2022)

ORDER IN
CRL MP(MD) No.6772 of 2022
in
Crl.A.(MD)No.383 of 2022
Date :17/06/2022

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USK/PN/SAR-I/27.06.2022/3P/5C