



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Twelfth day of July Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.7891 of 2022

IN

CRL A(MD) No.422 of 2022

K.NAGARAJAN

... PETITIONER/APPELLANT/SOLE ACCUSED

Vs

STATE REP.BY

THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE & ANTICORRUPTION,
THENI DISTRICT.

CRIME NO.3 OF 2011.

... RESPONDENT/RESPONDENT/COMPLAINANT

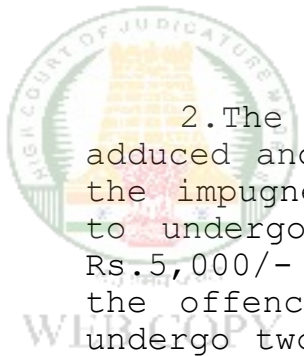
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed on the Petitioner by judgment dated 29.06.2022 in Spl.C.No.8 of 2014 on the file of the Special Judge for Prevention of Corruption Act -cum- Chief Judicial Magistrate, Theni and enlarge the Petitioner on bail, pending disposal of the above criminal appeal petition.

Prayer in CRL A(MD)No.422 of 2022:

To call for the records and set aside the judgment dated 29.06.2022 passed in Spl.C.No.8 of 2014 on the file of the Special Judge for Prevention of Corruption Act -cum- Chief Judicial Magistrate, Theni 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.RAMANATHAN AN, 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 has been filed to suspend the sentence imposed by the learned Special Judge for Prevention of Corruption Act cum Chief Judicial Magistrate, Theni, in Spl.C.No.8 of 2014, dated 29.06.2022, till the disposal of the appeal.



2.The learned Special Judge, upon considering the evidence adduced and on hearing the arguments of both the sides, has passed the impugned judgment, dated 29.06.2022, convicting the petitioner to undergo two years simple imprisonment and to pay a fine of Rs.5,000/- in default to undergo one month simple imprisonment for the offence under Section 7 of Prevention of Corruption Act; to undergo two years simple imprisonment for the offence under Section 13(1) (d) r/w 13(2) of Prevention of Corruption Act and to pay a fine of Rs.5,000,- in default to undergo one month simple imprisonment. Aggrieved by the said conviction and sentence imposed by the trial Court, the petitioner has preferred the above appeal.

3.The learned Additional Public Prosecutor appearing for the State submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

4.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.

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 suspension of sentence.

7.Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

(i) the petitioner is directed to 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 Special Judge for Prevention of Corruption Act cum Chief Judicial Magisterial, Theni ;

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iii) The petitioner shall appear before the trial

<https://www.mhc.tn.gov.in/> on all working days at 10.30 am, until further



orders and if he is not able to appear before the t
Court on any day, he shall make arrangements to file an
application under Section 317 of Cr.P.C and shall appear
before the trial Court on any other day in lieu of the
date of his absence, as directed by the trial Court.

sd/-

12/07/2022

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14/07/2022

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

TO

- 1 THE SPECIAL JUDGE FOR PREVENTION OF CORRUPTION ACT CUM
CHIEF JUDICIAL MAGISTRATE, THENI.
 - 2 THE DEPUTY SUPERINTENDENT OF POLICE, VIGILANCE AN ANTICORRUPTION,
THENI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.AN.RAMANATHAN, Advocate (SR-6985[I] dated 13/07/2022)

ORDER

IN

CRL MP(MD) No.7891 of 2022

IN

CRL A(MD) No.422 of 2022

Date :12/07/2022

RS/PN/SAR.3 (14.07.2022) 3P-5C