



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Eighteenth day of July Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P(MD)No.8161 of 2022

in

Crl.A. (MD)No.438 of 2022

P.CHANDRA

... PETITIONER / APPELLANT /
SOLE ACCUSED

Vs

THE STATE REP.BY,
THE DEPUTY SUPERINTENDENT OF POLICE
VIGILANCE AND ANTI CORRUPTION,
THENI DISTRICT.
CRIME NO.06/2012

... RESPONDENT / RESPONDENT / COMPLAINANT

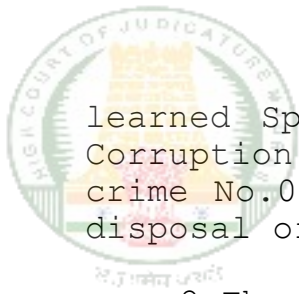
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence and grant bail to the Appellant Sole Accused against the Judgment dated 05.07.2022 in Special Case No.03 of 2015 on the file of the Special Court for Trial of Cases under the Prevention of Corruption Act cum Cheif Judicial Magistrate Theni District in Crime No.06 of 2012 on the file the Respondent Police pending disposal of the instant Criminal Appeal on such terms and conditions as may be deemed fit.

Prayer in Crl.A.(MD)No.438 of 2022:

To call for the records of the judgment dated 05.07.2022 in Special Case No.03 of 2015 on the file of the Special Court for Trial of Cases under the Prevention of Corruption Act cum Cheif Judicial Magistrate Theni District in Crime No.06 of 2012 on the file the Respondent Police and set aside the same and Acquit the Appellant.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.T.LAJAPATHI ROY, 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:-

This petition has been filed to suspend the sentence passed in Special Case No.03 of 2015, dated 05.07.2022, on the file of the



learned Special Court for Trial of Cases under the Prevention of Corruption Act cum Chief Judicial Magistrate, Theni District in crime No.06 of 2012 on the file of the respondent police, till the disposal of this Criminal Appeal.

2.The learned counsel appearing for the petitioner submitted that the trial Court convicted the petitioner/sole accused in Special Case No.03 of 2015, dated 05.07.2022, on the file of the learned Special Court for Trial of Cases under the Prevention of Corruption Act cum Chief Judicial Magistrate, Theni District, for the offence under Section 7 of Prevention of Corruption Act and sentenced him to undergo two years Simple Imprisonment and to pay a fine of Rs.1,000/- and for the offence under Section 13(1)(d) r/w Section 13(2) of Prevention of Corruption Act sentenced him to undergo two years Simple Imprisonment and to pay a fine of Rs.1,000/-. The above sentences shall run concurrently and for default of the payment of the amount mentioned above, the petitioner has to undergo one month of Simple Imprisonment. The Trial Court has suspended the sentence imposed on the petitioner till 05.08.2022. 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 for the petitioner further submitted that the petitioner has already paid fine amount of Rs.2,000/- before the learned Chief Judicial Magistrate on the date of Judgment itself. He further 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 Additional Public Prosecutor 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 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:-



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(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 Special Court for Trial of Cases under the Prevention of Corruption Act, Theni.

(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 on all working days at 10.30 a.m., until further orders and if he is not able to appear before the trial 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/-

18/07/2022

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20/07/2022

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

TO

- 1 THE JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER THE
PREVENTION OF CORRUPTION ACT CUM CHIEF
JUDICIAL MAGISTRATE, THENI DISTRICT.
 - 2 THE DEPUTY SUPERINTENDENT OF POLICE
VIGILANCE AND ANTI CORRUPTION, THENI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to Mr.T.LAJAPATHI ROY, Advocate SR.No.7314.

ORDER

IN

Crl.M.P(MD)No.8161 of 2022
in Crl.A.(MD)No.438 of 2022
Date :18/07/2022

MK/VR/SAR.I/20.07.2022/3P/5C

<https://www.mhc.tn.gov.in/judis>