



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.8242 of 2022

IN

CRL A(MD) No.440 of 2022

N.RETNAMONY

... PETITIONER/APPELLANT/SOLE ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

VIGILANCE AND ANTI CORRUPTION,

NAGERCOIL,

KANYAKUMARI DISTRICT.

(CRIME NO.271 OF 2016)

... RESPONDENT/RESPONDENT/COMPLAINANT

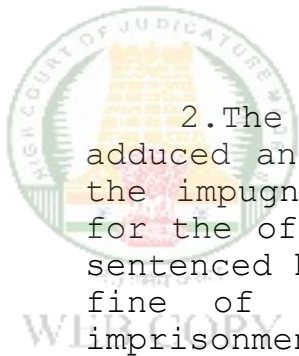
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed on the petitioner/appellant/accused in Spl.S.C.No.8/2014 Dated 22.06.2022 on the file of the learned Special Judge cum CJM, Kanyakumari District at Nagercoil and suspend the sentence till the disposal of the Appeal.

Prayer in CRL A(MD).440 of 2022 :

To call for the records relating to the judgement passed in Spl.S.C.No.8/2014 dated 22.06.2022 on the file of the learned Special Judge cum CJM, Kanyakumari District at Nagercoil and set aside the same and acquit the Appellant/Accused from all the charges levelled against him.

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.JAWAHAR.J, 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 cum Chief Judicial Magistrate, Nagercoil, Kanyakumari District, in Spl.C.No.8 of 2014, dated 22.06.2022, 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 22.06.2022, convicting the petitioner for the offence under Section 7 of Prevention of Corruption Act 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; and for the offence under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act to undergo one year Rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo two months 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.

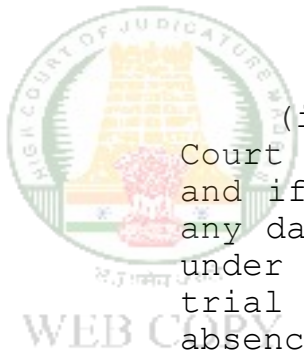
5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

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 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 learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;



(iii) The petitioner shall appear before the trial Court on all working days at 10.30 am, 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/-

19/07/2022

/ TRUE COPY /

20/07/2022

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, NAGERCOIL, KANYAKUMARI DISTRICT.
 - 2 THE INSPECTOR OF POLICE, VIGILANCE AND ANTI CORRUPTION, NAGERCOIL, KANYAKUMARI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC TO MR.J.JAWAHAR, Advocate (SR-7377[I] Dated 20.07.2022)

ORDER
IN
CRL MP(MD) No.8242 of 2022
IN
CRL A(MD) No.440 of 2022
Date :19/07/2022

RS/VR/SAR.1 (20.07.2022) 3P-5C