



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

Monday, the Twenty Second day of August Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.9740 of 2022
in
Crl.A.(MD)No.508 of 2022

VIJAYAN

... PETITIONER/APPELLANT

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
TRICHY.
(CRIME NO. 28 OF 2010).

... RESPONDENT/RESPONDENT

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 me in Judgement Dated. 29.07.2022 made in Spl.S.C.No. 10 of 2014 on the file of the Special Court for Trial of Cases under Prevention of Corruption Act/Chief Judicial Magistrate, Karur and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

PRAYER in Crl.A.(MD)No.508 of 2022 :

Pleased to call for the records pertaining to the Judgment of the conviction and sentence dated 29.07.2022 passed in Special C.C.No.10 of 2014 on the file of the Special Court for Trial of Cases under Prevention of Corruption Act/Chief Judicial Magistrate, Karur in Crime No.28 of 2010 on the file of the Respondent Police and set aside the same by allowing the above 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.MAHENDRAN.P., Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the 1st Respondent, while admitting the Criminal Appeal, the court made the following order:-

This petition has been filed to suspend the sentence passed in Special C.C.No.10 of 2014, dated 29.07.2022, on the file of the Special Court for Trial of Cases under Prevention of Corruption Act/Chief Judicial Magistrate, Karur, till the disposal of this Criminal Appeal.



2.The learned counsel appearing for the petitioner stated that the trial Court convicted the petitioner in Special C.C.No.10 of 2014, dated 29.07.2022, on the file of the Special Court for Trial of Cases under Prevention of Corruption Act/Chief Judicial Magistrate, Karur, for the offence under Section 7 of the Prevention of Corruption Act, 1988 and sentenced him to undergo two years Rigorous Imprisonment and to pay a fine of Rs.10,000/- in default to undergo six months Rigorous Imprisonment and for the offence under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and sentenced him to undergo three years Rigorous Imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo six months Rigorous Imprisonment. The above sentences shall run concurrently. The Trial Court has suspended the sentence imposed on the petitioner till 28.08.2022 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 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:-

(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 Prevention of Corruption Act/Chief Judicial Magistrate, Karur.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Court may obtain a copy of their Aadhar card or Bank Pass

<https://www.mhc.tn.gov.in> to ensure their identity; and



(iii) The petitioner shall appear before the concerned Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders and if he is not able to appear before the concerned Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C and shall appear before the concerned Court on any other day in lieu of the date of his absence, as directed by the Special Court.

sd/-
22/08/2022

/ TRUE COPY /

/08/2022

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

TO

1. THE SPECIAL JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER PREVENTION
OF CORRUPTION ACT/CHIEF JUDICIAL MAGISTRATE,
KARUR.
2. THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
TRICHY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-8824[I] dated 23/08/2022)

ORDER IN
CRL MP(MD) No.9740 of 2022
in
Crl.A.(MD)No.508 of 2022
Date :22/08/2022

sjj
USK/PN/SAR-IV/24.08.2022/3P/5C