



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

Thursday, the Eighth day of September Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P(MD)No.10766 of 2022
in
CRL.A.(MD)No.551 of 2022

A.MURUGANANDAM

... PETITIONER / APPELLANT /
ACCUSED

Vs

THE STATE REP.BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION, NAGERCOIL,
CRIME NO.1/1996

... 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 enlarge him on bail imposed in Special S.C No.2 of 2005 on the file of the Special Judge cum Chief Judicial Magistrate, Kanyakumari District at Nagercoil by its Judgment dated 24.08.2022 pending disposal of the main appeal.

Prayer in CRL.A.(MD)No.551 of 2022:

To call for the records and allow the appeal by setting aside the judgment made in Special S.C.No.2 of 2005 on the file of the Special Judge-Cum-Chief Judicial Magistrate, Kanyakumari District at Nagercoil by judgment dated 24.08.2022.

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.SURI.M, Advocate for the petitioner and of MR.S.RAVI, Additional Public Prosecutor on behalf of the Respondent, While admitting the Crl.A., the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the petitioner in Spl.S.C.No.2 of 2005, dated 24/08/2022 by the Special Judge-cum-Chief Judicial Magistrate, Kanyakumari District at Nagercoil and enlarge the petitioner on bail pending disposal of the criminal appeal.

2.The case of the prosecution is that the accused the petitioner herein was working in Tamil Nadu Warehousing Corporation and he joined duty in 1969 as 'Typist'. A confidential letter was received stating that this petitioner has amassed wealth beyond the known source of income. So on that basis, enquiry was conducted and the period was fixed as 01/04/1985 to 31/03/1993. On the basis



of the preliminary enquiry, the case was registered in Crim of 1996 for the offence under sections 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988.

3. During the course of investigation, it was found that he amassed wealth to the tune of Rs.7,46,234.70/-. On that basis, final report was filed. On the side of the prosecution, 48 witnesses were examined and 141 documents were marked. On the side of the accused, 7 witnesses have been examined and 4 documents were marked.

4. At the conclusion of the trial, this petitioner was convicted and sentenced to undergo two years of Rigorous Imprisonment for the offence under section 13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988 with default clause. It was further ordered that the above said money must be recovered from the accused and confiscated to the State. So the property belongs to the petitioner was ordered to be attached and sold in public auction. Challenging the conviction and sentence, this appeal has been preferred.

5. It is seen from the records that already the sentence was suspended by the trial court, by 24/08/2022 till 22/09/2022.

6. Considering the above facts and circumstances of the case and also considering the fact that it will take time to hear the main appeal for disposal, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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; and

(ii) on further condition that the petitioner shall appear before the said Court on the 1st and 16th working day of every English Calendar month at 10.30 am pending appeal.

sd/-

08/09/2022

/ TRUE COPY /

20/09/2022

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



TO

1 THE SPECIAL JUDGE CUM CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
NAGERCOIL,

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL.M.P (MD) No.10766 of 2022
in

CRL.A. (MD) No.551 of 2022

Date :08/09/2022

MK/VR/SAR.II/20.09.2022/3P/5C