



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

Thursday, the Seventeenth day of November Two Thousand and
Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.13773 of 2022

IN

CRL A(MD) No.730 of 2022

M.THIRUMALAI

... APPELLANT/ACCUSED NO.1

Vs

State Rep.by
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI-CORRUPTION,
TIRUNELVELI DISTRICT.
CRIME NO.2 OF 2007.

... 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 by the Learned Special Judge for Trial of Cases under the Prevention of Corruption Act, Tirunelveli in Spl.Case No.43 of 2014 vide Judgment dt.1.11.2022 and enlarge the Petitioner on bail pending disposal of the main criminal appeal pending on the file of this Hon'ble Court.

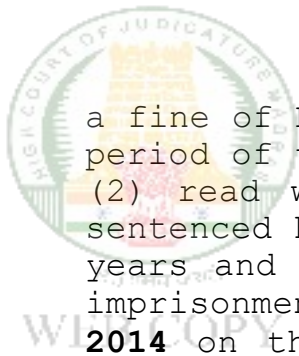
Prayer in CRL A(MD) No.730 of 2022 :

To call for the entire records pertaining to the judgment delivered by the learned Special Judge for Trial of Cases under the Prevention of Corruption Act, Tirunelveli in Spl.Case No.43 of 2014 vide Judgment dated 01.11.2022 and set aside the same and consequently acquit the appellant honorably.

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.ANAND R, Advocate for the petitioner and of MR.S.RAVI, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Special Judge for Trial of Cases under the Prevention of Corruption Act, Tirunelveli in Spl.Case.No.43 of 2014 vide judgment dated 01.11.2022 and enlarge the petitioner on bail pending disposal of the appeal.

2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offences under Section 7 of P.C Act and sentenced him to undergo rigorous imprisonment for a period of three years and to pay



a fine of Rs.5,000/- in default to undergo simple imprisonment for a period of three months and for the alleged offences under Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 and sentenced him to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for a period of three months, **(*)in Spl.Case No.43 of 2014** on the file of the learned Special Judge for Trial of Cases under the Prevention of Corruption Act, Tirunelveli.

3.It is submitted by the learned counsel for the petitioner 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.This Court has carefully considered the submission of the learned counsel for the petitioner and also perused the materials available on record.

5.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.

6.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and 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 learned Special Judge for Trial of Cases under the Prevention of Corruption Act, Tirunelveli, and on further condition that the petitioner shall appear before the said Court **(*)on the first working day of every month at 10.30 a.m.** pending appeal.

sd/-

17/11/2022

(*)Being Mentioned as per order of this Hon'ble Court dated 29.11.2022 in CrI MP(MD)No.13773 of 2022 in CrI.A(MD)No.730 of 2022.

/ TRUE COPY /

/12/2022

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



TO

TO BE SUBSTITUTED WITH THE ORDER DATED 17/11/2022 ALREADY DESPATCHED

1 THE SPECIAL JUDGE FOR TRIAL OF CASES UNDER
THE PREVENTION OF CORRUPTION ACT,
TIRUNELVELI.

2 THE INSPECTOR OF POLICE, VIGILANCE AND ANTI-CORRUPTION,
TIRUNELVELI DISTRICT.

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

+2 CC to M/s.R.ANAND, Advocate SR-13177,13925

ORDER

IN

CRL MP(MD) No.13773 of 2022

IN

CRL A(MD) No.730 of 2022

Date :17/11/2022

RS/VR/SAR.(24.11.2022) 3P-5C

RK/SSS/SAR-2 (02.12.2022) 3P/6C