



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

Monday, the Twenty Eighth day of November Two Thousand and
Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.14668 of 2022
IN
CRL A(MD)No.811 of 2022

S.MURUGESAN

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION WING,
TRICHY DISTRICT.

... 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 by the Learned Special Court for Trial of Cases under the Prevention of Corruption Act, Trichy in Spl.C.No.21 of 2011 dt.10.11.2022 pending disposal of the above Criminal appeal.

PRAYER IN CRL.A(MD) .811/2022:

Pleased to call for the records and set aside the impugned judgment passed by learned Special Court for Trial of Cases under the prevention of Corruption Act Trichy in Special Case No.21 of 2011 dated 10.11.2022 and allow the above criminal 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.JAMEEL ARASU B, 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 petition is filed to suspend the sentence imposed against the petitioner, by Judgment, dated 10.11.2022, passed by the Special



Judge, Special Court for Trial of Cases under the Prevention of Corruption Act, Trichy in Spl.C.No.21 of 2011.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted and sentenced by the trial Court, to undergo Rigorous Imprisonment, for a period of three years and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for a period six months, for the offence under Section 13(2) r/w 13(1)(d)(i) of Prevention of Corruption Act.

3.Challenging the above said conviction and sentence, the petitioner has preferred this present Appeal before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

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. He would further submit that the sentence period of the petitioner was suspended by the trial Court.

5.The learned counsel appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

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

7.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.

8.Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

(i)The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Special Judge, Special Court for Trial of Cases under the Prevention of Corruption Act, Trichy.

(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 respondent police daily at 10.30 a.m, until further orders.

sd/-

28/11/2022

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/ TRUE COPY /

30/11/2022

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 THE
PREVENTION OF CORRUPTION ACT, TRICHY.
- 2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION WING,
TRICHY DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP (MD) No.14668 of 2022
IN

CRL A (MD) No.811 of 2022

Date : 28/11/2022

PNM

SA/SSS/SAR. /30.11.2022/3P/4C