



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

Thursday, the Eighth day of December Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.15281 of 2022

IN

CRL A(MD) No.843 of 2022

A.USMAN ALI

... PETITIONER/APPELLANTS/ACCUSED

Vs

State Rep.by
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.2 OF 2010)

... RESPONDENT/RESPONDENT/COMPLAINANT

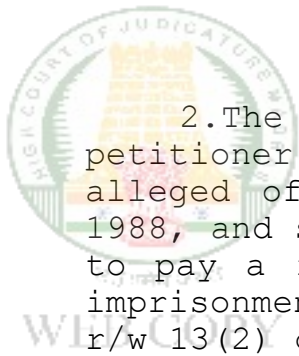
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Execution of Sentence by granting bail in C.C.No. 21 of 2014 on the file of Special Court for Vigilance and Anti Corruption Cases, Virudhunagar District at Srivilliputhur, pending disposal of the above Crl.A.

Prayer in CRL A(MD).843/2022 :

To admit this appeal on file, to call for the records from the lower court in Special C.C.No.21 of 2014 on the file of Special Court for Vigilance and Anti Corruption Cases, Virudhunagar District at Srivilliputhur and set aside the judgement dated 29.11.2022 by acquitting the accused and by allowing the 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 MR.V.KATHIRVELU, Senior Counsel for M/S.PRABHU.K, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, 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 by the learned Sessions Judge, Special Court for Vigilance and Anti Corruption Cases, Srivilliputhur, Virudhunagar District, dated 29.11.2022, in Special C.C.No.21 of 2014 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.



2.The learned counsel for the petitioner submitted the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 7 of Prevention of Corruption Act, 1988, and sentenced him to undergo 2 years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo 1 month simple imprisonment and for the offences punishable under Section 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988 and sentenced him to undergo 3 years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo 1 month simple imprisonment. The sentences were ordered to run concurrently. Set off under Section 428 Cr.P.C. was also ordered.

3.It is submitted by the learned counsel for the petitioner that the sentence was already suspended by the trial Court for a period of 30 days.

4.The learned Additional Public Prosecutor submitted that it is a case on trap and vehemently objected the grant of suspension of sentence.

5.Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the fact the petitioner is already enlarged on bail by the trial Court, 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 Sessions Judge, Special Court for Vigilance and Anti Corruption Cases, Srivilliputhur, Virudhunagar District, and on further condition that the petitioners shall appear before the said Court once in a week at 10.30 a.m. pending appeal.

sd/-

08/12/2022

/ TRUE COPY /

/12/2022

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 SESSIONS JUDGE,
SPECIAL COURT FOR VIGILANCE AND ANTI CORRUPTION CASES,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.K.PRABHU, Advocate (SR-14565[I] dated 08/12/2022)

ORDER

IN

CRL MP(MD) No.15281 of 2022

IN

CRL A(MD) No.843 of 2022

Date :08/12/2022

TM

RS/VR/SAR.4(16.12.2022) 3P-5C