



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

Monday, the Twelfth day of December Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.15429 of 2022

IN

CRL A(MD) No.851 of 2022

P.KUBENDRAN

... PETITIONER/APPELLANT/
SINGLE ACCUSED

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION WING,
THENI DISTRICT.
CR.NO.01/2015

... 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 imposed in Special Case No.1/2016 by the Learned Special Judge, for Vigilance Anti-Corruption Act Cases Cum Chief Judicial Magistrate, Theni dated 11.11.2022 and enlarge the petitioner on bail pending disposal of the main Criminal Appeal.

PRAYER IN CRL A(MD).851 of 2022:

Pleased to call for the records and set-aside the conviction and sentence passed in Special Case No.1 of 2016 dated 11.11.2022 by the Learned Special Judge, for Vigilance Anti-Corruption Act Cases Cum Chief Judicial Magistrate, Theni.

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. BALAKRISHNAN.T, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, 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 Vigilance and Anti-Corruption Act Cases cum Chief Judicial Magistrate, Theni, dated 11.11.2022 in Special Case No.1 of 2016 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.



2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 7 of Prevention of Corruption Act and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.2,500/- and for the offences under Section 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988 and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.2,500/-. The sentences were ordered to be run concurrently. Set of under Section 428 of Cr.P.C. was also ordered. In default payment of fine amount, he was sentenced to undergo one month simple imprisonment.

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.Mr.Thiruvadi Kumar, learned Additional Public Prosecutor takes notice for the respondent and submitted that even though suspension is granted by the trial Court itself, it is a case of trap and vehemently opposed 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 are 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) each with two sureties each for a like sum to the satisfaction of the learned Special Judge for Vigilance and Anti-Corruption Act Cases cum Chief Judicial Magistrate, Theni and on further condition that the petitioner shall appear before the said Court once in a week at 10.30 a.m. pending appeal.

sd/-

12/12/2022

/ TRUE COPY /

16/12/2022

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

TO

1 THE SPECIAL JUDGE,
FOR VIGILANCE ANTI-CORRUPTION ACT CASES CUM
CHIEF JUDICIAL MAGISTRATE, THENI.



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

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

+1. C.C. to M/S. BALAKRISHNAN.T Advocate SR.No.14383

ORDER

IN

CRL MP (MD) No.15429 of 2022

IN

CRL A (MD) No.851 of 2022

Date :12/12/2022

TM

SA/VR/SAR. /16.12.2022/3P/5C