



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

Thursday, the Twelfth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL MP(MD) No.834 of 2023
IN
CRL A(MD) No.61 of 2023

GANESAN

... PETITIONER/APPELLANT/SINGLE ACCUSED

Vs

State Rep.by
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION WING,
DINDIGUL DISTRICT.
(CRIME NO.08/2013)

... 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.38/2014 by the Learned Special Judge, for Vigilance Anti Corruption Act Cases cum Chief Judicial Magistrate, Dindigul District dt.6/1/2023 and enlarge the petitioner on bail pending disposal of the main Criminal Appeal.

PRAYER IN CRL A(MD).61/2023 :

To call for the records and set aside the conviction and sentence passed in Special Case No.38 of 2014 dated 06.01.2023 by the Learned Special Judge, for Vigilance Anti-Corruption Act Cases Cum Chief Judicial Magistrate, Dindigul District.

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.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the CRL A., the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence of imprisonment, imposed by the Special Judge for Vigilance and Anti Corruption Act cases cum Chief Judicial Magistrate, Dindigul vide judgment in Spl.C.No.38 of 2014 dated 06.01.2023 and to enlarge the petitioner/appellant on bail.



WEB COPY



2.The conviction and sentence imposed against the petitioner/appellant is as follows:-

Accused	Under Section	Sentence
Ganesan	7 of Prevention of Corruption Act	two years of rigorous imprisonment with a fine of Rs.5,000/- in default to undergo three month simple imprisonment.
	13(2) r/w 13(1) (d) of Prevention of Corruption Act	two years of rigorous imprisonment with a fine of Rs.5,000/- in default to undergo three months simple imprisonment.

3.The learned counsel for the petitioner/appellant would submit that there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the petitioner/appellant, have got a fair chance of succeeding in the Criminal Appeal and the sentence imposed against the petitioner/appellant, may be suspended and he may be enlarged on bail. He would further submit that the trial Court has suspended the sentence till 20.01.2023.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the prosecution has proved the case beyond reasonable doubts and the trial Court on finding the petitioner/appellant guilty convicted him as stated above. Therefore, he vehemently oppose for grant of suspension of sentence.

5.Heard the learned counsel for the petitioner/appellant and the Additional Public Prosecutor appearing for the respondent and perused the materials on record.

6.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner/appellant, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, suspension of sentence and bail are granted, on the following conditions :-

(i) The petitioner/appellant shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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, Dindigul ;

(ii) The petitioner/appellant shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders;



WEB COPY

CRL MP(MD)



23

7.The Criminal Miscellaneous Petition is ordered accord
sd/-
12/01/2023

/ TRUE COPY /

12/01/2023

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

AAV

TO

- 1 THE SPECIAL JUDGE FOR VIGILANCE AND ANTI CORRUPTION ACT CASES CUM
CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
 - 2 THE INSPECTOR OF POLICE, VIGILANCE AND ANTI CORRUPTION WING,
DINDIGUL DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.BALAKRISHNAN T, Advocate (SR-651[I] dated 12/01/2023)

ORDER
IN
CRL MP(MD) No.834 of 2023
IN
CRL A(MD) No.61 of 2023
Date :12/01/2023

RS/VR/SAR.(12.01.2023) 3P-5C