



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

Thursday, the Second day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.1911 of 2023

IN

CRL A(MD) No.90 of 2023

TR.G.THIYAGARAJAN

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
MADURAI

... 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 against the petitioner by the Hon'ble Special Court for Trial of Prevention of Corruption Act Cases, Madurai in Special Case No.46 of 2011 dated 11.01.2023, till the disposal of the main Criminal Appeal.

PRAYER IN CRL A(MD) .90/2023:

Pleased to call for the records pertaining to the judgment passed in Spl.Case No.46 of 2011 dated 11.01.2023 by the Hon'ble Special Court for Trial of Prevention of Corruption Act Cases, Madurai and set aside the conviction and sentence as against the appellant by allowing this 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.PALANIAPPAN. A, 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 Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Special Judge for Trial of Prevention of Corruption Act Cases, Madurai, dated 11.01.2023 in Spl. Case No.46 of 2011 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 Special Judge, for the alleged offence under Section 465 of IPC and sentenced him to undergo two years Rigorous Imprisonment and to pay a fine of Rs.25,000/- in default to undergo Simple Imprisonment for a period of two months and for the offence under Section 471 of IPC, sentenced him to undergo two years Rigorous Imprisonment to run concurrently and to pay a fine of Rs.25,000/- in default to undergo Simple Imprisonment for a period of two months.

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. He would further submitted that for the very same offence, there are three cases were filed against the petitioner, out of three cases, he was acquitted in two cases and in this case, he was convicted by the learned Special Judge.

4. The learned Additional Public Prosecutor would submit that the above the petitioner is a habitual offender which are similar in nature.

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 Special Judge for Trial of Prevention of Corruption Act Cases, Madurai, 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/-

02/02/2023

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02/02/2023

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

INDU

TO

1 THE JUDGE,

SPECIAL COURT FOR TRIAL OF PREVENTION OF
CORRUPTION ACT CASES, MADURAI.



2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
MADURAI.

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

+1. C.C. to M/S.PALANIAPPAN. A Advocate SR.No.1635

ORDER

IN

CRL MP (MD) No.1911 of 2023
IN

CRL A (MD) No.90 of 2023

Date :02/02/2023

SA/SSS/SAR. /02.02.2023/3P/5C