



WEB COPY

CRL MP(MD)



23

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

Thursday, the Sixteenth day of February Two Thousand and Twenty  
Three  
PRESENT

**The Hon`ble Mr.Justice G.ILANGOVAN**

CRL MP(MD) No.2832 of 2023

IN

CRL A(MD) No.133 of 2023

A.SIVANIAH

... APPELLANT/ACCUSED

Vs

State Rep.by  
THE INSPECTOR OF POLICE  
VIGILANCE AND ANTI CORRUPTION,  
NAGERCOIL, KANYAKUMARI DISTRICT.  
CRIME NO.15/2002

... 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 and grant Bail to the Appellant / Accused pending disposal of the Criminal Appeal before this Honble court against the Judgment in Special Case No.3 of 2006 on the file of the Special Judge cum Chief Judicial Magistrate, Kanyakumari District at Nagercoil dated 19.01.2023 in V & AC Crime No.15 of 2002 on the file of the Respondent Police pending disposal of the Appeal.

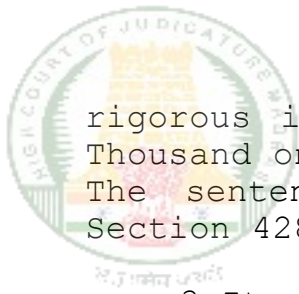
Prayer in CRL A(MD).133/2023 :

To call for the records pertaining to the Judgment in S.C.No.3 of 2006 dated 19.01.2023 Judgment rendered by the Special Judge -Cum- Chief Judicial Magistrate, Kanyakumari District at Nagercoil and set aside the same as illegal.

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.LOUIS.S, Advocate for the petitioner and of MR.B.NAMBISELVAN, 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-Cum-Chief Judicial Magistrate, Kanyakumari District at Nagercoil, dated 19.01.2023 in Special Case No.3 of 2006 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 13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988 and sentenced him to undergo two years of



rigorous imprisonment and to pay a fine of Rs.5,000/- (Rupees Five Thousand only) in default to undergo two months simple imprisonment. The sentences were ordered to run concurrently. Set off under Section 428 Cr.P.C. is 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 and the same is going to be expired on 18.02.2023.

4. 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 Chief Judicial Magistrate Court, Kanyakumari at Nagercoil, 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/-

16/02/2023

/ TRUE COPY /

16/02/2023

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

tta

TO

1 THE SPECIAL JUDGE CUM CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL.

2 THE INSPECTOR OF POLICE  
VIGILANCE AND ANTO CORRUPTION, NAGERCOIL, KANYAKUMARI DISTRICT.

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

+1 CC to M/s.S.LOUIS, Advocate ( SR-2460[I] dated 16/02/2023 )

ORDER IN

CRL MP(MD) No.2832 of 2023

IN CRL A(MD) No.133 of 2023

Date :16/02/2023