



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

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

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL MP(MD) No.3191 of 2023

in

CRL.A. (MD) No.145 of 2023

S.SUBBIAH

... PETITIONER/ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
THOOTHUKUDI DETACHMENT.

... 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 passed by the Learned Special Judge / Chief Judicial Magistrate, Thoothukudi in Special Calendar Case No. 06 of 2011 dated 25.01.2023 and enlarge the petitioner on bail

Prayer in CRL A(MD). 145 of 2023 :

To call for the records relating to the impugned Judgement in Special Calendar Case No.6 of 2011 dated 25.01.2023 passed by the Special Judge/Chief Judicial Magistrate, Thoothukudi and set aside the he same and acquit the appellant/accused from all charges.

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.SUKUMAR.V, Advocate for the petitioner and of Mr.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 Chief Judicial Magistrate, Thoothukudi, dated 25.01.2023 in Special Calendar Case No.6 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 trial judge, for the alleged offence under Section 7 of the Prevention of Corruption Act, 1988 and sentenced to undergo 2 years simple imprisonment and to pay Rs.30,000/- as fine in default to undergo two months simple imprisonment and for the offence under Section 13(2) r/w 13(1) of the Prevention of Corruption Act, 1988 and to undergo 2 years simple



imprisonment and to pay Rs.30,000/- as fine in default to go to two months simple imprisonment. The sentences were ordered to run concurrently. Set of 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. 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 Chief Judicial Magistrate, Thoothukudi 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/-

23/02/2023

/ TRUE COPY /

/03/2023

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

TO

1. THE CHIEF JUDICIAL MAGISTERATE, THOOTHUKUDI.

2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
THOOTHUKUDI DISTRICT.

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

+1. C.C. to M/S.SUKUMAR.V Advocate SR.No.2807

ORDER

IN

CRL MP(MD) No.3191 of 2023

in

CRL.A. (MD) No.145 of 2023

Date :23/02/2023