



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

Monday, the Thirteenth day of March Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.4059 of 2023

IN

CRL A(MD) No.184 of 2023

CHANDRASEKAR

... PETITIONER/APPELLANT

Vs

State Rep.by
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION CELL,
TRICHIRAPPALLI.
CR.NO.8/2013

... 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 in SPL.C.C.No.1/2015 on the file of the Special Court for Vigilance and Anti Corruption Chief Judicial Magistrate Karur dt 23.02.2023 and enlarge the petitioner appellant on bail pending disposal of the above said Criminal Appeal.

Prayer in CRL A(MD).184/2023 :

To call for the records relating to the case in Spl.C.C.No.1 of 2015 on the file of the Special Court for Vigilance and Anti Corruption / Chief Judicial Magistrate, Karur, dated 23.02.2023 and set aside the judgment and order as against the appellant in the above said case and acquit the Appellant/Accused.

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.SURI M, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, 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 to suspend the sentence passed in Spl.C.C.No.1 of 2015, dated 23.02.2023, on the file of the learned Special Court for Vigilance and Anti Corruption/ Chief Judicial Magistrate, Karur, till the disposal of this Criminal Appeal.

2. The case of the prosecution is that the petitioner/accused demanded bribe of Rs.500/- from the defacto complainant with respect to grant of death certificate of his father and on that basis, FIR came to be registered in Crime No.8 of 2013.



3. The respondent police, after completing the investigation, has filed the final report and the case was taken on file in Spl.C.C.No.1 of 2015 and the same was pending on the file of the Special Court for Vigilance and Anti Corruption/ Chief Judicial Magistrate, Karur.

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4. During trial, the prosecution has examined 14 witnesses as P.W.1 to P.W.14, exhibited 22 documents as Ex.P.1 to Ex.P.22 and marked 3 material objects as M.O.1 to M.O.3. The accused has marked 2 material objects as M.O.1 and M.O.2.

5. The learned Sessions Judge, upon considering the evidence, both oral and documentary and on hearing the arguments on both the sides, has passed the impugned judgment dated 23.02.2023 convicting the petitioner/accused for the offence under Section 7 of Prevention of Corruption Act and sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo six months rigorous imprisonment and convicting the petitioner/accused for the offence under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo one year rigorous imprisonment and further ordered that both the sentences of imprisonment to run concurrently. The Trial Court has suspended the sentence imposed on the petitioner till 21.03.2023. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner has already paid fine amount.

7. The learned Additional Public Prosecutor appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

8. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

9. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief

<https://www.mhlg.nic.in/judis> suspension of sentence.



10. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner 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/Chief Judicial Magistrate, Karur, Karur District;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-

13/03/2023

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/03/2023

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

CSM

TO

1 THE SPECIAL COURT FOR VIGILANCE AND ANTI CORRUPTION /
CHIEF JUDICIAL MAGISTRATE, KARUR.

2 THE INSPECTOR OF POLICE, VIGILANCE AND ANTI CORRUPTION CELL,
TRICHIRAPPALLI.

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

+1 CC to M/s.M.SURI, Advocate (SR-4034[I] dated 13/03/2023)

ORDERIN
CRL MP(MD) No.4059 of 2023
IN
CRL A(MD) No.184 of 2023
Date :13/03/2023