



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

Wednesday, the Twenty Ninth day of March Two Thousand and
Twenty Three

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL.M.P.(MD)No.5079 of 2023

in

CRL.A.(MD)No.254 of 2023

S.KRISHNAN

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION CELL,
TRICHIRAPPALI,
(CRIME NO.16/2010)

... RESPONDENT/RESPONDENT

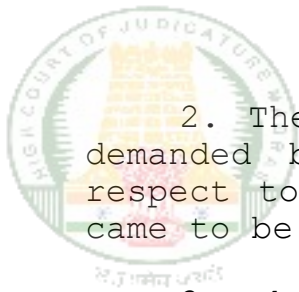
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed in Spl CC No.4/2014 on the file of the Learned Special Court for Vigilance and Anti Corruption / Chief Judicial Magistrate, Karur, dated 13.03.2023 and enlarge the Petitioner/ Appellant on bail pending disposal of the above said Criminal Appeal.

PRAYER IN CRL.A.(MD)No.254 of 2023:

To call for the records relating to the case in Spl.C.C.No.4 of 2014 on the file of the Special Court for Vigilance and Anti Corruption / Chief Judicial Magistrate, Karur, dated 13.03.2023 and set aside the judgment and order as against the appellant in the above said case and acquit the Appellant/Accused No.2.

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 M/S.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned Special Judge for Vigilance and Anti Corruption/Chief Judicial Magistrate, Karur, in Spl.C.C.No.4 of 2014, dated 13.03.2023, till the disposal of the appeal.



2. The case of the prosecution is that the petitioner demanded bribe of Rs.1,200/- from the defacto complainant with respect to grant of legal heir certificate and on that basis, FIR came to be registered in Crime No.16 of 2010.

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.4 of 2014 and the same was pending on the file of the Special Court for Vigilance and Anti Corruption/Chief Judicial Magistrate, Karur.

4. During trial, the prosecution has examined 13 witnesses as P.W.1 to P.W.13, exhibited 36 documents as Ex.P.1 to Ex.P.36 and marked 5 material objects as M.O.1 to M.O.5.

5. The learned Special Judge, upon considering the evidence adduced and on hearing the arguments of both the sides, has passed the impugned judgment, dated 13.03.2023, convicting the petitioner to undergo one year rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo three months rigorous imprisonment for the offence under Section 12 of Prevention of Corruption Act. The Trial Court has suspended the sentence imposed on the petitioner till 13.04.2023. 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 Additional Public Prosecutor appearing for the State submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

7. The learned counsel appearing for the petitioner submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

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 of suspension of sentence.

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



(i) the petitioner is directed to execute a bond sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Special Court for Vigilance and Anti Corruption/Chief Judicial Magistrate, Karur;

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(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders 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/-

29/03/2023

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/03/2023

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

das

TO

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

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

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

+1 CC to M/s.M.SURI, Advocate (SR-5079[I] dated 29/03/2023)

ORDER IN

CRL.M.P. (MD) No.5079 of 2023
in

CRL.A. (MD) No.254 of 2023

Date :29/03/2023