



CRL MP(MD) No.10580 of 2023

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

Friday, the Fourth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL MP(MD) No.10580 of 2023

in

CRL A(MD) No.592 of 2023

R.SEKAR

... PETITIONER/APPELLANT/3RD ACCUSED

Vs

State Rep.by

THE INSPECTOR OF POLICE

VIGILANCE AN ANTI CORRUPTION,

TIRUCHIRAPPALLI,

CRIME NO.12/2008

... RESPONDENT/RESPONDENT/RESPONDENT

Criminal Miscellaneous 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 conviction imposed by the Court Special Judge for Trial of cases under prevention of Corruption Act, Tiruchirappalli, dated 06.07.2023 made in Spl.C.No.39/2011 and enlarge the petition on bail.

PRAYER IN CRL A(MD).592/2023 :

To call for records and set aside the judgment dated 06.07.2023 made in Spl.C.No.39/2011 in the Court of Special Judge for Trial of cases under prevention of Corruption Act, Tiruchirapalli and allow the above 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.RAMSUNDARVIJAYRAJ.S, Advocate for the petitioner and of MR.S.RAVI, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

<https://www.mhc.tn.gov.in/judis>



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This petition has been filed by the petitioner to suspend the sentence by granting bail in Spl.S.C.No.39 of 2011 dated 06.07.2023, on the file of the Special Court for trial of Cases under Prevention of Corruption Act, Tiruchirappalli District till the disposal of the appeal.

2.The petitioner has been convicted by a judgment passed by the Special Judge, Special Court for trial of Cases under Prevention of Corruption Act, Tiruchirappalli District in Spl.S.C.No.39 of 2011 dated 06.07.2023 for the offence under Section 12 of Prevention of Corruption Act and was sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo six months simple imprisonment.

3.The learned counsel appearing for the petitioner would contend that the trial Court has convicted the petitioner for the offence under Section 12 of Prevention of Corruption Act and the same was challenged through this appeal. The trial Court is totally defective since the available evidences are not sufficient to warrant a conviction. The lower Court travelled beyond the scope of evidence and further the lower Court suspended the sentence in Crl.M.P.No.405 of 2023 dated 06.07.2023 for a period of one month till 04.08.2023. There are sufficient grounds to allow the appeal and thereby, the sentence imposed upon the petitioner to be suspended by way of granting bail to the petitioner.



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4.The learned Additional Public Prosecutor appearing for the respondent would contend that already the trial Court found the petitioner guilty and convicted the petitioner for the offence under Section 12 of Prevention of Corruption Act. The offences are grave in nature and the petitioner may be directed to surrender before the trial Court and thereafter this petition can be decided.

5.Considering the representations made by both side counsels and considering that already trial Court has suspended the sentence and granted bail till 04.08.2023 and the petitioner was all along on bail during trial and considering the sentence imposed upon the petitioner, this Court is inclined to grant suspension of sentence alone on the following conditions:

(i)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 Special Court for trial of Cases under Prevention of Corruption Act, Tiruchirappalli District.

(ii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

sd/-

04/08/2023

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04/08/2023

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



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TO

1 THE SPECIAL JUDGE FOR TRAIL OF CASES UNDER
PREVENTION OF CORRUPTION ACT, TIRUCHIRAPALLI.

2 THE INSPECTOR OF POLICE
VIGILANCE AN ANTI CORRUPTION,
TIRUCHIRAPPALLI.

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

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-11840[I] dated
04/08/2023)

ORDER
IN
CRL MP(MD) No.10580 of 2023
in
CRL A(MD) No.592 of 2023
Date :04/08/2023

RS//SAR-(04.08.2023) 4P 5C
Madurai Bench of Madras High Court is issuing
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