



CRL MP(MD) No.10827 of 2023

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

Wednesday, the Second day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Dr.Justice D. NAGARJUN

CRL MP(MD) No.10827 of 2023

in

CRL A(MD) No.618 of 2023

R.SIVAPUNNIYAM

... PETITIONER/ APPELLANT/ ACCUSED NO.1

Vs

State Rep.by

THE INSPECTOR OF POLICE

VIGILANCE AND ANTI CORRUPTION WING,

TIRUCHIRAPPALLI DISTRICT.

CRIME NO.12 OF 2008.

... RESPONDENT/RESPONDENT/COMPLAINANT

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 imposed in Spl.Case No.39 of 2011 by the Special Court for trial of Prevention Of Corruption Act Cases,Tiruchirappalli dt.6.7.2023 and enlarge the Petitioner on bail pending disposal of the main Criminal Appeal.

PRAYER IN CRL A(MD).618/2023 :

To call for the records and set aside the conviction and sentence passed in Spl. Case No.39 of 2011 dated 06.07.2023 by the learned Special Court for trial of Prevention of Corruption Act Cases, Tiruchirappalli.

Order : This Criminal Miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.MUTHUKAMATCHI V, Advocate for the petitioner and of MR.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

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



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This petition is filed aggrieved by the judgment of the trial Court in C.C.No.39 of 2011 wherein finding the petitioner guilty of the offence under Sections 7 and 13 (2) r/w 13 (1) (d) of the Prevention of Corruption Act and sentencing the petitioner to undergo one year Rigorous Imprisonment and a fine of Rs.10,000/- in default to undergo six months Simple Imprisonment for the offence under Section 7 of Prevention of Corruption Act and three years Rigorous Imprisonment and a fine of Rs.10,000/- in default to undergo six months Simple Imprisonment for the offence under Section 13 (2) r/w 13 (1) (d) of the Prevention of Corruption Act.

2. It is submitted by learned counsel for the petitioner that the sanction obtained for the alleged prosecution suffered from defect and there was a delay, which was not properly explained. It is also submitted that there is a material contradictions in the evidence of P.W.1 to P.W.3. As per the record, the petitioner has moved bail application in Crl.M.P.No.404 of 2023. Considering the same, the petitioner was granted bail until 04.08.2023 on executing of bond for a sum of Rs.10,000/- with two sureties for like sum.

3. Considering the submissions made by the learned counsel for the petitioner and on hearing of learned Additional Public Prosecutor, the sentence in C.C.No.39 of 2011 alone is suspended during the pendency of the appeal for the like sum to the satisfy of the trial Court by following conditions:-



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(i). The petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Special Judge for trial of cases under Prevention of Corruption Act, Trichirappalli.

(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 respondent police daily at 10.30 a.m and 5.30 p.m. until further orders.

sd/-
02/08/2023

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04/08/2023

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

tsg

TO

1 THE JUDGE,
SPECIAL COURT FOR TRIAL OF PREVENTION OF CORRUPTION ACT CASES,
TIRUCHIRAPALLI.

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



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

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-11710[I] dated 02/08/2023)

ORDER
IN
CRL MP(MD) No.10827 of 2023
in
CRL A(MD) No.618 of 2023
Date :02/08/2023

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