



Crl.M.P.(MD) No.11173 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.M.P.(MD) No.11173 of 2023

in

Crl.A.(MD) No.656 of 2023

PARTHIBAN

... PETITIONER/ APPELLANT/
ACCUSED NO.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION WING,
TIRUCHIRAPPALLI.
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 execution of sentence by granting bail in Special Case No.39/2011 dated 06.07.2023 on the file of the learned Special Court for trial of cases under Prevention of Corruption Act,Tiruchirappalli District till the disposal of the Criminal Appeal.



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Prayer in Crl.A.(MD) No.656 of 2023

To admit this appeal on file to call for the records from the lower court in Spl.Case No.39/2011 on the file of the Learned special Court for trial of cases under Prevention of Corruption Act, Tiruchirapalli district and set aside the Judgment dated 06.07.2023 by acquitting the accused and by allowing the 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.V.KATHIRVELU, Senior Counsel for M/S. PRABHU.K, Advocate for the petitioner and of M/S.S.RAVI, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

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 Sections 7 and



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13(2) r/w. 13(1)(d) of Prevention of Corruption Act. The petitioner was sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo six months simple imprisonment under Section 7 of Prevention of Corruption Act. Further the petitioner 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 under Section 13(2) r/w. 13(1)(d) of Prevention of Corruption Act.

3.The learned counsel appearing for the petitioner would contend that the trial Court has convicted the petitioner for the offence under Sections 7 and 13(2) r/w. 13(1)(d) 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.404 of 2023 dated 06.07.2023 for a period of one month from 06.07.2023 to 05.08.2023. 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 Sections 7 and 13(2) r/w. 13(1)(d) 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 05.08.2023 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.



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(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.

mrn

TO

1.THE JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER PREVENTION OF
CORRUPTION ACT,
TIRUCHIRAPPALLI DISTRICT.

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

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



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ORDER
IN
CrI.M.P.(MD) No.11173 of 2023
in
CrI.A.(MD) No.656 of 2023
Date :04/08/2023

RK (04/08/2023) 6P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023