



CRL MP(MD) No.12755 of 2023

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

Tuesday, the Twelfth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Dr.Justice D. NAGARJUN

CRL MP(MD) No.12755 of 2023

IN

CRL A(MD)No. 794 of 2023

N.JAYAKUMAR

... APPELLANT/PETITIONER

Vs

**THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
THOOTHUKUDI DETACHMENT.
(CRIME NO.6/2011).**

... 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 of imprisonment passed in Spl.CC No.1/2013 on the file of the Learned the Special Judge/Chief Judicial Magistrate, Thoothukudi dt.23/8/2023 and enlarge the petitioner on bail till the disposal of the Criminal Appeal.

PRAYER IN CRL A(MD)No. 794 of 2023:

To admit this appeal and call for records and to set aside the conviction and sentence passed in Spl.C.C.No. 1 of 2013 on the file of the Learned Special Judge/Chief Judicial Magistrate, Thoothukudi dated 23.08.2023 by allowing this criminal appeal.

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 Crl.O.P., the court made the following order:-

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



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This Criminal Appeal is filed challenging the Judgment of the trial Court dated 23rd August 2023, in Spl.C.C.No.1 of 2013, on the file of the learned Special Judge / Chief Judicial Magistrate, Thoothukudi, wherein, the learned trial Judge has found the petitioner guilty of the offence under Section 7 of the Prevention of Corruption Act, 1988 and imposed punishment to undergo two years simple imprisonment and to pay a fine of Rs.25,000/- in default to undergo two months simple imprisonment and under Section 13 (2) r/w 13 (1) (d) of the Prevention of Corruption Act, 1988 to undergo two years simple imprisonment and to pay a fine of Rs.25,000/- in default to undergo two months simple imprisonment and the accused shall undergo all the sentence of imprisonment concurrently.

2. Heard learned counsel for the petitioner and perused the materials on record.

3. It is further submitted by learned counsel for the petitioner that the trial Court soon after recording of conviction and awarding sentence, granted bail to the petitioner until 22.09.2023.

4. Considering the circumstances, the sentence in Spl.C.C.No.1 of 2013, dated 23rd August 2023, in Spl.C.C.No.1 of 2013, on the file of the learned Special Judge / Chief Judicial Magistrate, Thoothukudi, is hereby, suspended on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty



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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 / Chief Judicial Magistrate, Thoothukudi.

(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 trial Court every Monday at 10.30 a.m., without fail, if the Monday is a holiday, he is directed to appear before the next working day, until further orders.

sd/-
12/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

- 1 THE SPECIAL JUDGE/
THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
THOOTHUKUDI DETACHMENT.



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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-13566[I] dated 13/09/2023)

ORDER
IN
CRL MP(MD) No.12755 of 2023
IN
CRL A(MD)No. 794 of 2023
Date :12/09/2023

PKP/JGB/SAR- /14.09.2023/ 4P/5C

Madurai Bench of Madras High Court is issuing certified
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