



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

Monday, the Second day of January Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.16409 of 2022

in

CRL A(MD) No.883 of 2022

WEB COPY

V.MUTHUKRISHNAN

... APPELLANT/ACCUSED

Vs

State Rep.by
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
THANJAVUR.
(CRIME NO.23/2003)..

... 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 by the learned Special Judge/Chief Judicial Magistrate, Kumbakonam in Special case No.21/2014 dt.6/12/2022 and to enlarge the petitioner/appellant on bail pending disposal of the above said Criminal Appeal.

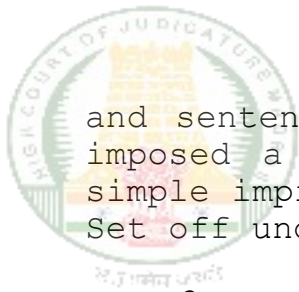
Prayed in CRL A(MD).883/2022 :

To call the records of Trial Court and set aside the judgment of conviction passed by the Learned Chief Judicial Magistrate Court Thanjavur in Spl.Case No.21/2014 dated 06.12.2022 against this Appellant/Accused No.6

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.SUKUMARAN K, Advocate for the petitioner and of MR.S.RAVI, Additional Public Prosecutor on behalf of the Respondent, while admitting the CRL A., the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Chief Judicial Magistrate, Thanjavur at Kumbakonam, dated 16.12.2022 in Spl.S.C.No.21 of 2014 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 7 of Prevention of Corruption Act, 1988 r/w Section 109 of IPC and sentenced him to undergo Simple imprisonment for a period of 2 years and imposed a fine of Rs.2,000/- in default to undergo simple imprisonment for a period of three months and for the alleged offence under Section 13(1)(d) r/w 12(2) of Prevention of Corruption Act, 1988 r/w Section 34 of IPC



and sentenced him to undergo two years of simple imprisonment and imposed a fine of Rs.2,000/- in default to undergo three months simple imprisonment. The sentences were ordered to run concurrently. Set off under Section 428 Cr.P.C. is also ordered.

3. It is submitted by the learned counsel for the petitioner that the sentence was already suspended by the trial Court for a period of 30 days.

4. Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the fact the petitioner are already enlarged on bail by the trial Court, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Thanjavur at Kumbakonam and on further condition that the petitioner shall appear before the said Court once in a week at 10.30 a.m. pending appeal.

sd/-

02/01/2023

/ TRUE COPY /

05/01/2023

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

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM.
- 2 THE INSPECTOR OF POLICE, VIGILANCE AND ANTI CORRUPTION, THANJAVUR.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SUKUMARAN K, Advocate (SR-95[I] dated 04/01/2023)

ORDER IN

CRL MP(MD) No.16409 of 2022
in CRL A(MD) No.883 of 2022
Date :02/01/2023