



WEB COPY

CRL MP(MD)



23

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

Thursday, the Fifth day of January Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.177 of 2023

in

CRL A(MD) No.11 of 2023

A.SURESH

... PETITIONER/APPELLANT

Vs

State Rep.by
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION DEPARTMENT,
THANJAVUR.
(CRIME NO.23 OF 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 Chief Judicial Magistrate Court, Thanjavur at Kumbakonam in Spl.Case.No.21 of 2014 dated 06.12.2022 as far as the petitioner concerned and enlarge the petitioner on bail, pending disposal of this present Criminal Appeal.

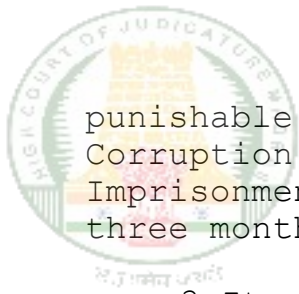
Prayer in CRL A(MD).11/2023 :

To call for the records and set aside the conviction and sentence imposed by the Learned Chief Judicial Magistrate Court, Thanjavur, at Kumbakonam in Spl.Case No.21 of 2014 on 06.12.2022 as against the Appellant/7th Accused under sections 7 of Prevention of Corruption Act r/w 109 of IPC and 13(1)(d) r/w 13(2) of Prevention of Corruption Act and thereby allow this 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.VENKATESAN.S, 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 Court, Thanjavur at Kumbakonam in Spl.Case No.21 of 2014 dated 06.12.2022 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 r/w 109 of IPC and sentenced him to undergo two years Simple Imprisonment and to pay a fine of Rs.2,000/- in default to undergo 3 months simple imprisonment and also convicted for the offences



punishable under Sections 13(1)(d) r/w 13(2) of Prevention of Corruption Act and sentenced him to undergo two years Simple Imprisonment and to pay a fine of Rs.2,000/- in default to undergo three months simple imprisonment.

3. It is submitted by the learned counsel for the petitioner that the sentence was already suspended by the trial Court till 05.01.2023.

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 Court, 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/-

05/01/2023

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/01/2023

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

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TO

- 1 THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM.
 - 2 THE INSPECTOR OF POLICE, VIGILANCE AND ANTI CORRUPTION DEPARTMENT, THANJAVUR.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC TO MR.S.VENKATESAN, Advocate, SR-306[I]

ORDER IN
CRL MP(MD) No.177 of 2023
in
CRL A(MD) No.11 of 2023
Date :05/01/2023