



CRL MP(MD) No.1780 of 2024

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

Wednesday, the Fourteenth day of February Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL MP(MD) No.1780 of 2024
in
CRL A(MD) No.124 of 2024

V.S.VISWAM

... APPELLANT/ACCUSED

Vs

THE INSPECTOR OF POLICE
VIGILANCE AND ANTI-CORRUPTION,
SIVAGANGAI DISTRICT.
CRIME NO.4 OF 2007.

... 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 of imprisonment imposed by the Learned Special Judge, Special Court for trial of Cases under Prevention of Corruption Act, Sivagangai in Spl.CC.No.29 of 2014 dt.29.1.2024 and enlarge the Petitioner/Appellant on bail pending disposal of the above said criminal appeal.

Prayer in CRL A(MD) No.124 of 2024 :

To call for the records and set aside the conviction and sentence passed against them by the Learned Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act, Sivagangai in SPL. CC.No.29 of 2014 dated 29.01.2024 by allowing the present 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 MR.K.S.DURAIPANDIAN, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend

the sentence passed against him by the learned Special Judge, Special Court for trial

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of Cases under the Prevention of Corruption Act, Sivagangai, in Spl.C.C.No.29 of 2014 dated 29.01.2024 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner and other accused in Crime No.4 of 2007 on the file of the respondent/Inspector of Police, Vigilance and anti-Corruption, Sivagangai District, for the offences punishable under Sections 7 of the Prevention of Corruption Act and the same was taken on file in Spl.C.C.No.29 of 2014 before the learned Special Judge, Special Court for trial of Cases under the Prevention of Corruption Act, Sivagangai. The petitioner/sole accused was convicted for the offence under Section 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and sentenced to undergo three years rigorous imprisonment and a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment for the offence under 7 of the Prevention of Corruption Act, 1988 and to undergo three years rigorous imprisonment and a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment for the offence under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence. Learned counsel for the petitioner further



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submitted that there are some arguable points involved in the criminal appeal and hence, he prays for suspension of sentence.

3. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor has no serious objection to suspend the sentence as against the petitioner.

4. Heard the learned counsel on either side and perused the materials available on record.

5. As rightly contended by the learned counsel for the petitioner that there are some arguable points involved in the criminal appeal and also considering the facts and circumstances of the case, this Court is of the prima facie view that the sentence is to be suspended pending this Appeal.

6. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned learned Special Judge, Special Court for trial of Cases under the Prevention of Corruption Act, Sivagangai in Spl.C.C.No.29 of 2024 dated 29.01.2024 is suspended subject to the following conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned learned Special Judge, Special Court for trial of Cases under the Prevention of Corruption Act, Sivagangai.

ii) The petitioner shall appear and sign before the learned Special Judge,



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Special Court for trial of Cases under the Prevention of Corruption Act, Sivagangai,
on the first working day of every English calendar month at 10.30 a.m., until further
orders.

iii) In case, if the petitioner is unable to appear before the Court on the first
working day of a month, he shall appear on the next working day.

iv) The petitioner shall furnish his residential address and mobile number to the
Trial Court ie., learned Special Judge, Special Court for trial of Cases under the
Prevention of Corruption Act, Sivagangai.

7. Subject to the above conditions, this Criminal Miscellaneous Petition is
allowed.

sd/-
14/02/2024

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/02/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PJL

TO

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



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2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI-CORRUPTION,
SIVAGANGAI DISTRICT.

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

ORDER
IN
CRL MP(MD) No.1780 of 2024
in
CRL A(MD) No.124 of 2024
Date :14/02/2024

RS/VR/SAR-(16.02.2024) 5P 4C
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