



CRL.M.P.(MD)No.6895 of 2024

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

Thursday, the Eleventh day of July Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL.M.P.(MD)No.6895 of 2024

in

CRL.A.(MD)No.582 of 2024

M.KANAGARAJ

... APPELLANT/ ACCUSED

Vs

THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION WING,
VIRUDHUNAGAR.
CR.NO.6/2013

... 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 operation and execution of Sentence imposed by the Special Judge cum Chief Judicial Magistrate Virudhunagar District at Srivilliputtur in Spl CC. No.12/2014 dt 31.05.2024 till the disposal of appeal and may be pleased to enlarge the above Petitioner/Appellant on bail till the disposal of pending appeal.

Prayer in CRL.A.(MD)No.582 of 2024:

Pleased to admit this appeal, to call for records from the trial court and to set aside the judgment in Spl.CC.No.12 of 2014 dated 31.05.2024 by the learned Special Judge cum Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur and may be pleased to acquit the Appellant from the charges leveled against him.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon
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perusing the petition filed in support thereof and upon hearing the arguments of Mr.V.MUTHU KAMATCHI, Advocate for the petitioner and of Mr.S.RAVI, Additional Public Prosecutor on behalf of the Respondent, While admitting the Criminal Appeal, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Special Judge-cum-Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur in Spl.S.C.No.12 of 2014 dated 31.05.2024 and enlarge the petitioner on bail till the disposal of this Criminal Appeal.

2. The conviction and sentence imposed against the petitioner / appellant is as follows:-

Under Section	Sentence
Section 8 of Prevention of Corruption Act, 1988	Rigorous imprisonment for three years to pay a fine of Rs.5,000/- in default to undergo three months Simple Imprisonment.
Section 9 of Prevention of Corruption Act, 1988	Rigorous imprisonment for 3 years to pay a fine of Rs.5,000/- in default to undergo three months Simple Imprisonment and the sentence will run concurrently

3. The learned counsel for the petitioner/appellant would submit that there are



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arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the petitioner/appellant has got a fair chance of succeeding in the Criminal Appeal and the sentence imposed against the petitioner/appellant, may be suspended and he may be enlarged on bail. He would further submit that the petitioner has already paid the fine amount before the trial Court.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the prosecution has proved the case beyond reasonable doubts and the trial Court on finding the petitioner / appellant guilty convicted him as stated above. Therefore, he vehemently opposed for grant of suspension of sentence.

5. Heard the learned counsel for the petitioner / appellant and the learned Additional Public Prosecutor appearing for the respondent and perused the materials on record.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner / appellant, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, suspension of sentence and bail are granted, on the following conditions :-

(i) The petitioner / appellant shall execute a bond for a sum of



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Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special Judge-cum-Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur;

(ii) The petitioner / appellant shall appear before the concerned trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders;

7. The Criminal Miscellaneous Petition is ordered accordingly.

sd/-
11/07/2024

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/07/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN
TO

1 THE SPECIAL JUDGE
CUM CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

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

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

+1 CC to M/s.V.MUTHU KAMATCHI, Advocate (SR-7812[I] dated 12/07/2024)
<https://www.mhc.tn.gov.in/judis>



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ORDER
IN
CRL.M.P.(MD)No.6895 of 2024
in
CRL.A.(MD)No.582 of 2024
Date :11/07/2024

SA/GS/SAR. /16.07.2024/5P/5C

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