



Crl.M.P.(MD)No.8286 of 2024

WEB COPY

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

Tuesday, the Twenty Seventh day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

Crl.M.P.(MD)No.8286 of 2024

in

Crl.A.(MD)No.672 of 2024

K.MALAISAMY

... PETITIONER/ APPELLANT/
SOLE ACCUSED

(NOW CONFINED AS CONVICT PRISONER AT
MADURAI CENTRAL PRISON)

Vs

THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
MADURAI DISTRICT.
CRIME NO. 04/2013.

... RESPONDENT/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 imposed against me in Special case No.2 of 2017 on the file of the Honble Special Court for Trial of cases under the Prevention of Corruption Act, Madurai Dated 27.03.2024 and release the petitioner on bail till the disposal of the main criminal appeal.

Prayer in Crl.A.(MD)No.672 of 2024:

To call for the entire records connected to the judgment in Special case No.2 of 2017 on the file of the Special Court for Trial of Cases under the Prevention of



Crl.M.P.(MD)No.8286 of 2024

Corruption Act, Madurai dated 27.03.2024 and set aside the conviction and sentence imposed against the appellant.

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. ALAGUMANI.R, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Special Judge, Special Court for Trial of cases under the Prevention of Corruption Act, Madurai, dated 27.03.2024, in Special Case No.2 of 2017 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2. The learned counsel for the petitioner submits that the petitioner was convicted by the learned trial judge, for the alleged offence under Section 7 of the Prevention of Corruption Act and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo three months simple imprisonment and also convicted for the alleged offence under Section 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act and sentenced him to under 4 years rigorous imprisonment and to pay a find of Rs.1,000/- 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.



Crl.M.P.(MD)No.8286 of 2024

WEB COPY

3. The learned counsel for the petitioner further submits that the prosecution has not established the motive for receiving money by the petitioner and there is absolutely no cogent evidence to prove the existence of any official act for which the money was demanded or accepted by the petitioner. He further submits that the prosecution has not established the essential ingredients with regard to the demand and acceptance made by the petitioner, beyond reasonable doubt by adducing credible evidence. Therefore, there are arguable points involved in the appeal. Hence, he prays for suspension of sentence.

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 period of incarceration, 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) with two sureties each for a like sum to the satisfaction of the Special Court for Trial of cases under the Prevention of Corruption Act, Madurai and on further condition that the petitioner appear before the said Court at 10.30 a.m. on



Crl.M.P.(MD)No.8286 of 2024

the first working day of every English Calendar month, pending disposal of the
WEB COPY
appeal.

sd/-
27/08/2024

/ TRUE COPY /

27/08/2024
Sub-Assistant Registrar (CS-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ogy

TO

- 1.THE JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER THE PREVENTION OF
CORRUPTION ACT,
MADURAI
- 2.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3.THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.DR.R.ALAGUMANI, Advocate (SR-10416[I] dated 27/08/2024)



WEB COPY



Crl.M.P.(MD)No.8286 of 2024

ORDER
IN
Crl.M.P.(MD)No.8286 of 2024
in
Crl.A.(MD)No.672 of 2024
Date :27/08/2024

RK (27/08/2024) 5P / 6C

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