



CRL.M.P.(MD)No.9735 of 2024

WEB COPY

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

Wednesday, the Eighteenth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P.(MD)No.9735 of 2024

in

CRL.A.(MD)No.762 of 2024

S.BALAMURUGAN

... APPELLANT/ACCUSED

Vs

THE STATE OF TAMIL NADU
REP BY THE SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
THENI
CRIME NO. 01/2012

... RESPONDENT

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 and conviction imposed by the court of Special Judge for Prevention and Anti Corruption Chief Judicial Magistrate, Theni, dt. 22.08.2024 made in Spl Case No. 18/2024 and enlarge the petitioner on bail.

Prayer in CRL.A.(MD)No.762 of 2024:

To call for the records and set aside the judgment dated 22.08.2024 made in Spl.case No.18/2024 on the file of Special Judge for Prevention and Anti Corruption-Chief Judicial Magistrate, Theni and allow the above 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



CRL.M.P.(MD)No.9735 of 2024

MR.S.RAMSUNDARVIJAYRAJ, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, 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 for Prevention and Anti Corruption Chief Judicial Magistrate, Theni, dated 22.08.2024, made in Spl.Case No.18 of 2024 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 and sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo 2 months simple imprisonment and also convicted for the offences punishable under Section 13(1)(d) read with Section 13(2) of Prevention of Corruption Act and sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo 2 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 from 22.08.2024 till 20.09.2024, by order dated

<https://www.mhc.tn.gov.in/judis>



CRL.M.P.(MD)No.9735 of 2024

22.08.2024.

WEB COPY

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 Special Judge for Prevention and Anti Corruption / Chief Judicial Magistrate, Theni, 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/-
18/09/2024

/ TRUE COPY /

18/09/2024

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

pnn



CRL.M.P.(MD)No.9735 of 2024

TO

1. THE SPECIAL JUDGE FOR PREVENTION AND ANTI CORRUPTION /
CHIEF JUDICIAL MAGISTRATE, THENI,
2. THE SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION, THENI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL.M.P.(MD)No.9735 of 2024

in

CRL.A.(MD)No.762 of 2024

Date :18/09/2024

RK (18/09/2024) 4P /4C

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