



CRL MP(MD) No.11919 of 2024

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

Monday, the Eleventh day of November Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.11919 of 2024

IN

CRL A(MD) No.947 of 2024

B.MURALITHARAN

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 01/2008.

... RESPONDENT/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 operation and execution of sentence imposed by the Special Judge-Cum-Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur in Spl.C.C.No. 50/2014 dt. 25.10.2024 till the disposal of the appeal and may be pleased to enlarge the above petitioner/apellant on bail till the disposal of pending appeal.

Prayer in CRL A(MD) No.947 of 2024:

To admit this appeal, to call for records, to set aside the judgment and conviction imposed against the appellants/accused 9 the learned special Judge cum Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur in Spl.CC.No.50/2014 dated 25.10.2024 in so far as against the Appellant/Accused 9 here in and allow the above 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.G.MARIAPPAN, 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 petition is filed to suspend the sentence imposed on the petitioner by the

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learned Special Judge-cum-Chief Judicial Magistrate for Trial of Cases under the Prevention of Corruption Act, Virudhunagar District at Srivilliputhur in Spl.C.C.No.50 of 2014, dated 25.10.2024 and enlarge the petitioner on bail pending disposal of the main Criminal Appeal.

2. The case of the respondent is that the petitioner herein is arrayed as 9th accused and he conspired with all the accused (ie., A1 to A8 and A10 to A14) to cheat by using false documents as genuine one and misappropriated the fund of TAICO Bank, Sattur and Sivakasi branches, to the tune of Rs.46,05,000/-. Therefore, FIR came to be registered in Crime No.01 of 2008, for the offences under Sections 120(B), 467, 468, 471, 420, 409 r/w 109 of IPC and 13(2) r/w 13(1)(c) and (d) of Prevention of Corruption Act, 1988 and the same was taken on file in Spl.C.C.No.26 of 2012, on the file of the Special Court for Prevention of Corruption Act Cases, Madurai. Thereafter, the said case was transferred to Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur as per G.O.Ms.No.666 Home Courts II Department, dated 10.09.2014 and taken on file as Spl.C.C.No.50 of 2014 on 26.11.2017.

3. During trial, on the side of the prosecution examined as P.W.1 to P.W.38 and exhibited 277 documents as Ex.P.1 to Ex.P.277 and no material objects were marked. On the side of the defence, D.W.1 was examined and five documents were exhibited as Ex.D1 to Ex.D5 and no witness was examined.



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4. The learned Special Judge-cum-Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur, after full-fledged trial, has passed the judgment in Spl.C.C.No.50 of 2014, dated 25.10.2024 and convicted the petitioner/accused for the following offences:

Sl. No.	Offences Under Sections	Sentence
1	120 B of IPC	undergo rigorous imprisonment for a period of 3 years and to pay a fine of Rs.5,000/- in default to undergo Simple Imprisonment for a period of 6 months
2.	467 of IPC	undergo rigorous imprisonment for a period of 3 years and to pay a fine of Rs.5,000/- in default to undergo Simple imprisonment for a period of six months
3.	468 of IPC	undergo rigorous imprisonment for a period of 3 years and to pay a fine of Rs.5,000/- in default to undergo Simple imprisonment for a period of six months



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4.	471 of IPC	undergo rigorous imprisonment for a period of 3 years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of 6 months
5.	420 of IPC	undergo rigorous imprisonment for a period of 5 years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of 6 months
6.	109 r/w 409 of IPC	undergo rigorous imprisonment for a period of 5 years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of 6 months

Aggrieved over the above said conviction and sentence, imposed by the Court below, the petitioner preferred the present Criminal Appeal along with the present Miscellaneous Petition seeking for suspension of sentence.

5.The learned counsel for the petitioner submitted that there are some arguable points involved in the criminal appeal and the learned trial Judge has not considered the evidence in proper prospective and hence, the judgment of the Court below is suffered from perversity. He would submit that the petitioner is confined at Central Prison, Madurai. He further submitted that the petitioner has also undertakes to



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deposit a further sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit in Spl.C.C.No.50 of 2014 on the file of the learned Special Judge-cum-Chief Judicial Magistrate for Trial of Cases under the Prevention of Corruption Act, Virudhunagar District at Srivilliputhur. Hence, he seeks for the suspension of sentence.

6. This Court carefully considered the submissions made by the counsel for the petitioner and also perused the materials available on record.

7. Considering the fact that the learned counsel for the petitioner undertakes to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the trial Court and there was no antecedent against the petitioner and the period of incarceration and there are some arguable points involved in the criminal appeal, this Court is inclined to grant suspension of sentence.

8. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions:-

(i) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Spl.C.C.No.50 of 2014 on the file of the learned Special Judge-cum-Chief Judicial Magistrate for Trial of Cases under the Prevention of Corruption Act, Virudhunagar District at Srivilliputhur;



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(ii) On such deposit, 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 Special Judge-cum-Chief Judicial Magistrate for Trial of Cases under the Prevention of Corruption Act, Virudhunagar District at Srivilliputhur;

(iii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iv) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

8.1. The learned trial judge, is hereby directed to re-deposit the amount of Rs.1,00,000/- in any one of the Nationalized Bank in interest bearing account.

sd/-
11/11/2024

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13/11/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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SBN

TO

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1 THE SPECIAL JUDGE CUM CHIEF JUDICIAL MAGISTRATE
FOR TRIAL OF CASES UNDER THE PREVENTION OF CORRUPTION ACT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
VIRUDHUNAGAR DISTRICT.

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

+2 CC to M/s.G.MARIAPPAN, Advocate (SR-13841[I] dated 11/11/2024)

ORDER

IN

CRL MP(MD) No.11919 of 2024

IN

CRL A(MD) No.947 of 2024

Date :11/11/2024

SA/SAR. /13.11.2024/7P/6C

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