



CRL MP(MD) No.13061 of 2024

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

Thursday, the Fifth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CRL MP(MD) No.13061 of 2024

in

CRL A(MD) No.1057 of 2024

S. THIRUNAVUKARASU

... Petitioner / Appellant

Vs

THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 02/2008)

... 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 sentence imposed against me in Spl C.C No. 29 of 2014 dt. 10.10.2024 on the file of the Special Judge cum Chief Judicial Magistrate court, Virudhunagar District at Srivilliputhur and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

Prayer in CRL A(MD) No.1057 of 2024:

To call for the records relating to the judgment dated 10.10.2024 in Spl.C.C.No.29 of 2014 on the file of the Special Judge cum Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur and set aside the same and allow the above 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



CRL MP(MD) No.13061 of 2024

of M/s.VIJAYAKUMARI NATARAJAN, 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 has been filed to suspend the sentence imposed against the petitioner in Spl.C.C.No.29 of 2024, dated 10.10.2024, on the file of the learned Special Judge Cum Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2.The case of the prosecution is that the petitioner herein A4 was working as Junior Assistant, officer of Executive Engineer, Public Works Department, Irukkangudi Reservoir Project Division, Virudhunagar, along with others accused entered into criminal conspiracy and A1 granted Rs.3,00,000/- as personal loan to bogus persons by creating false and bogus records. In pursuance of the above said conspiracy, A2 forged the signature of one Rajendran, Pay Drawing Officer in the loan application form and forged the pay certificates of one Mariappan and Palsamy and others. A2 to A4/petitioner submitted the applications to A1 for granting loan. A1, in pursuance of the above said conspiracy, without verification of the records, opened new savings accounts and thereby, caused Rs.3,00,000/- loss to the Bank and thereby A1 to A4 committed the offences under sections 120B, 467, 468, 471, 420,



CRL MP(MD) No.13061 of 2024

409 r/w 109 IPC and 13(2) r/w 13(1)(c) and (d) of IPC. Act 1988. Based on which, a case in Crime No.2 of 2008 was registered by the respondent police for the offences stated above.

3.The respondent Police, after completing the investigation has filed the final report and the same was taken on file in Spl.C.C.No.29 of 2014 by the learned Special Judge cum Chief Judicial Magistrate Court, Virudhunagar District, at Srivilliputhur.

4.During the trial, the prosecution has examined 18 witnesses as P.W.1 to P.W.18 and exhibited 49 documents as Ex.P.1 to Ex.P.49. On the side of the defence, neither a witness was examined nor a document was exhibited.

5.The learned Special Judge cum Chief Judicial Magistrate Court, Virudhunagar District, at Srivilliputhur, after full-fledged trial has passed the judgment in Spl.C.C.No.29 of 2014, dated 10.10.2024, and convicted the petitioner for the offence under Sections 120B, 467, 468, 471, 420, 109 r/w 409 of IPC and Section 13(2) r/w 13(1)(c) and (d) of Prevention of Corruption Act, 1988, and for the offence under Section 120B of IPC and sentenced to undergo three years Rigorous Imprisonment and to pay a fine of Rs.5,000/- in default to undergo six months simple imprisonment and for the offence under Section 467 of IPC and sentenced to undergo 3 years Rigorous imprisonment and to pay a fine of Rs.5,000/- in default to



CRL MP(MD) No.13061 of 2024

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undergo six months simple imprisonment and for the offence under Section 468 of IPC and sentenced to undergo 3 years Rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo six months simple imprisonment and for the offence under Section 471 of IPC and sentenced to undergo 3 years Rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo six months simple imprisonment and for the offence under Section 420 of IPC and sentenced to undergo 5 years Rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo six months simple imprisonment and for the offence under Section 109 r/w 409 of IPC and sentenced to undergo 5 years Rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo six months simple imprisonment and for the offence under Section 13(2) r/w 13(1)(c) and (d) of PC Act, 1988 and sentenced to undergo 5 years Rigorous Imprisonment and to pay a fine of Rs.5,000/- in default to undergo six months simple imprisonment. All the sentences are ordered to run concurrently. Aggrieved over the above said conviction and sentence, imposed by the Courts below, the petitioner preferred the present Criminal appeal along with the present Miscellaneous Petition seeking for suspension of sentence.

6.The learned counsel for the petitioner submitted that there are several infirmities in the prosecution case. He further submitted that this Court, by order dated 24.10.2024, in CrI.M.P.(MD).No.10954 of 2024 in CrI.A.(MD).No.832 of 2024,



CRL MP(MD) No.13061 of 2024

already suspended the sentence imposed against A1. Hence, he seeks suspension of sentence.

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7.The learned Additional Public Prosecutor appearing for the respondent Police submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed this petition.

8.This Court considered the rival submission made by the learned counsel appearing on either side and perused the materials available on record.

9.Considering the facts and circumstances of the case and also considering the period of incarceration and there was no antecedent against the petitioner and this Court, by order dated 24.10.2024, in CrI.M.P.(MD).No.10954 of 2024 in CrI.A.(MD). No.832 of 2024, already suspended the sentence imposed against A1 and there are some arguable points involved in the criminal appeal, the petitioner is entitled to the relief of grant of suspension of sentence.

10.Accordingly, the relief of suspension of sentence is granted to the petitioner on 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 Special Judge Cum Chief Judicial Magistrate Court,



CRL MP(MD) No.13061 of 2024

Virudhunagar District at Srivilliputhur ;

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

(iii) 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., till the disposal of the appeal.

sd/-
05/12/2024

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06/12/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSG

To

1.The Special Judge cum Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

2.The Inspector of Police,
Vigilance and Anti Corruption,
Virudhunagar District.



CRL MP(MD) No.13061 of 2024

3.The Superintendent,
Central Prison, Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M/S.VIJAYAKUMARI NATARAJAN, Advocate (SR-14955[I] dated
05/12/2024)

ORDER
IN
CRL MP(MD) No.13061 of 2024
in
CRL A(MD) No.1057 of 2024
Date :05/12/2024

ED/ /SAR- (06/12/2024) 7P / 7C

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