



CRL MP(MD). Nos.20263, 20265 and 20268 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18/12/2025

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THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD)Nos.20263, 20265 and 20268 of 2025

in

CRL A(MD)No.1366 of 2025

CRL MP(MD)No.20263 of 2025

Muthu @ Saravana Muthu

... Petitioner/
Accused No.7

Vs

The State of Tamilnadu through the
Deputy Superintendent of Police,
Vigilance and Anti Corruption Cases,
Sivagangai.
Crime No.1 of 1998.

... Respondent

PRAYER:- To Suspend the conviction and Sentence passed in
Spl.C.C.No.15/2014 dated 03.12.2025 on the file of the Special Judge for
trial of cases under the prevention of Corruption Act, Sivagangai and
enlarge the petitioner on bail, pending disposal of the criminal appeal.

For Petitioner : Gopalan T K

For Respondent : Mr.Nambi Selvan
Additional Public Prosecutor



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CRL MP(MD)No.20265 of 2025

Kathiresan

... Petitioner/
Accused No.6

Vs

The State of Tamilnadu through the
Deputy Superintendent of Police,
Vigilance and Anti Corruption Cases,
Sivagangai.
Crime No.1 of 1998.

... Respondent

PRAYER:- To Suspend the conviction and Sentence passed in
Spl.C.C.No.15/2014 dated 03.12.2025 on the file of the Special Judge for
trial of cases under the prevention of Corruption Act, Sivagangai and
enlarge the petitioner on bail, pending disposal of the criminal appeal.

For Petitioner : Gopalan T K

For Respondent : Mr.Nambi Selvan
Additional Public Prosecutor

CRL MP(MD)No.20263 of 2025

S.Ramar

... Petitioner/
Accused No.9

Vs

The State of Tamilnadu through the
Inspector of Police,
Vigilance and Anti Corruption Cases,
Sivagangai.
Crime No.1 of 1998.

... Respondent

PRAYER:- To Suspend the conviction and Sentence passed in
Spl.C.C.No.15/2014 dated 03.12.2025 on the file of the Special Judge for



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trial of cases under the prevention of Corruption Act, Sivagangai and enlarge the petitioner on bail, pending disposal of the criminal appeal.

For Petitioner : Gopalan T K

For Respondent : Mr.Nambi Selvan
Additional Public Prosecutor

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed to suspend the sentence imposed by the learned Special Judge for trial of cases under the prevention of Corruption Act, Sivagangai, in Spl.S.C.No.15 of 2014 dated 03.12.2025, and enlarge the petitioners on bail pending the disposal of the appeal.

2. The case of the prosecution is that the petitioners along with other accused conspired together and created false records that 435 ceylon repatriates had applied for house loan to purchase plots and also to construct super structure. For that purpose, they obtained a sum Rs.10,000/- each from the Central Government Rehabilitation Department. All the accused colluded and paved the way for the loss of Government funds and financial loss. Hence, the complaint.



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3. Before the trial court, on the side of the prosecution, 36 witnesses were examined as P.W.1 to P.W.36 and 130 documents were marked as Ex.P.1 to Ex.P.130. No material object was marked. On the side of the accused, neither witness was examined nor document was marked.

4. The learned Special Judge for trial of cases under the prevention of Corruption Act, Sivagangai, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, passed the impugned judgment dated 03.12.2025, convicting the petitioners as follows:

S.No.	Accused No.	Offence	Sentence
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1.	Petitioners in Crl.M.P(MD)No.20263 & 20265 of 2025/ Accused Nos.6 & 7	120(b) IPC	2 years R.I. And to pay fine of Rs.5,000/- in default to undergo 2 months S.I.
		468 IPC	2 years R.I. And to pay a fine of Rs.5,000/- in default to undergo 2 months S.I.
		471 IPC	2 years R.I. And to pay a fine of Rs.5,000/- in default to undergo 2 months S.I.
		408 IPC	2 years R.I. And to pay a fine of Rs.5,000/- in default to undergo 2 months S.I.
		13(2) r/w 13(1)(c)	3 years R.I. And to pay a fine of Rs.10,000/- in default to undergo 3 months S.I.
2.	Petitioner in Crl.M.P(MD)No.20268 of 2025/ Accused No.9	120(b) IPC	2 years R.I. And to pay fine of Rs.5,000/- in default to undergo 2 months S.I.
		468 IPC	2 years R.I. And to pay a fine of Rs.5,000/- in default to undergo 2 months S.I.
		471 IPC	2 years R.I. And to pay a fine of Rs.5,000/- in default to undergo 2 months S.I.

Further, it was ordered that the sentences of imprisonment would run



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concurrently.

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5. Challenging the above said conviction and sentence, the appellant has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6. The learned counsel appearing for the petitioner would submit that there are several incongruities in the prosecution case and further there are contradictions in material particulars in the evidences of the prosecution witnesses. He would further submit that the petitioner has already paid the fine amount.

7. The learned Additional Public Prosecutor appearing for the State would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed the grant of suspension of sentence. He further submits that though Accused Nos.2 and 8 were convicted and sentenced by the Trial Court, they did not prefer any appeal.



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8. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

9. The learned counsel appearing for the petitioner pointed out the incongruities, inconsistencies and contradictions in material particulars in the prosecution's case, which establish that there are certain arguable points in the criminal appeal. However, the criminal appeal is not likely to be taken up for final hearing in the near future. Hence, this Court is of the considered view that the petitioner herein is entitled for the relief of suspension of sentence.

10. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal with the following directions:

(i) 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, within a period of 10 days from the date of receipt of a copy of this order, each for a like sum to the

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satisfaction of the Special Court for trial of cases under the prevention of Corruption Act, Sivagangai.

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(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., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C (355 of BNSS) and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

18.12.2025

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TO

1.The Special Judge for trial of cases
under the prevention of Corruption Act,
Sivagangai.

2.The Deputy Superintendent of Police,

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Vigilance and Anti Corruption Cases,
Sivagangai.

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3.The Inspector of Police,
Vigilance and Anti Corruption Cases,
Sivagangai.



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N.MALA,J

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