



CRL MP(MD). No.20812 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05/01/2026

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THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD). No.20812 of 2025

in

CRL A(MD)No.1393 of 2025

M.Sardar

... Petitioner

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Vigilance and Anti Corruption,
Sivagangai Detachment,
Crime No.01/1998.

... Respondent

PRAYER:- To Suspend the Sentence imprisonment imposed on the petitioner herein in the judgment and order of sentence dated 03.12.2025 passed by the Learned Special Court for Trial of Cases under the prevention of Corruption Act, Sivagangai in Spl CC No.15/2014.

For Petitioner : V.S. Kumara Guru

For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

The Criminal Miscellaneous Petition is field to suspend the sentence imposed by the learned Special Judge for trial of cases under the

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prevention of Corruption Act, Sivagangai, in Spl.S.C.No.15 of 2014 dated 03.12.2025, and enlarge the petitioner on bail pending the disposal of the appeal.

2. The case of the prosecution is that the petitioner 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.

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.



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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.	Offence	Sentence
1	120(b) of IPC	2 years R.I. And to pay fine of Rs.5,000/- in default to undergo 2 months S.I.
2	468 IPC	2 years R.I. And to pay a fine of Rs.5,000/- in default to undergo 2 months S.I.
3	471 IPC r/w 109 IPC	2 years R.I. And to pay a fine of Rs.5,000/- in default to undergo 2 months S.I.
4	409 IPC	2 years R.I. And to pay a fine of Rs.5,000/- in default to undergo 2 months S.I.
5	13(2) r/w 13(1)(c) (d) of the Prevention of Corruption Act	3 years R.I. And to pay a fine of Rs. 10,000/- in default to undergo 3 months S.I.

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

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



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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. It is seen that Accused Nos.1, 3, 4 and 5 died and the charges framed against them were dismissed as abated by the Trial Court. In so far as Accused No.6 to 9 are concerned, this Court satisfied of the prima facie case suspended the sentence. As the sentence was suspended for the co-accused, this Court is inclined to suspend the sentence to the petitioner.

11. 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



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date of receipt of a copy of this order, each for a like sum to the 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.

05.01.2026

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To

- 1.The Special Judge for trial of cases
under the prevention of Corruption Act,
Sivagangai.
- 2.The Inspector of Police,
Vigilance and Anti Corruption,
Sivagangai Detachment.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

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