



ITEM NO.99

COURT NO.8

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 530-531/2024

K.PONMUDI@DEIVASIGAMANI

Appellant(s)

VERSUS

STATE OF TAMIL NADU

Respondent(s)

([ONLY PRAYER FOR INTERIM RELIEF LISTED.])

WITH CrI.A. No. 532-533/2024

(IA No. 14923/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 11-03-2024 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s)

Mr. Mukul Rohatgi, Sr. Adv.
Dr. A. M. Singhvi, Sr. Adv.
Mr. N.R. Elango, Sr. Adv.
Mr. Siddharth Dave, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. Ankur Saigal, Adv.
Mr. Devansh Srivastava, Adv.
Ms. Sukriti Bhatnagar, Adv.
Mr. Abhinabh Garg, Adv.
Mr. P. Dinesh Kumar, Adv.
Mr. K. Suresh, Adv.
Mr. E. C. Agrawala, AOR

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Siddharth Luthra, Sr. Adv.
Mr. N.R. Elango, Sr. Adv.
Mr. Pulkit Tare, AOR
Ms. Misha Rohatgi, Adv.
Mr. Kartikeya Dang, Adv.
Mr. Aswin Prassana As, Adv.
Mr. Agilesh Kumar S, Adv.
Mr. Dinesh, Adv.

VERDICTUM.IN

For Respondent(s)

Mr. Shekhar Naphade, Sr. Adv.
Mr. D.Kumanan, AOR
Mrs. Deepa. S, Adv.
Mr. Sheikh F. Kalia, Adv.

UPON hearing the counsel the Court made the following
O R D E R

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Heard the learned senior counsel appearing for the parties on the prayer made under Section 389 of the Code of Criminal Procedure, 1973 for suspension of conviction.

2. The appellant was charged with the offences under Section 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act, 1988 (for short "PC Act") and Section 13(2) read with Section 13(1)(e) of the PC Act read with Section 109 of the Indian Penal Code, 1860. The Special Court passed an order of acquittal. By the impugned judgment and order, the High Court has overturned the acquittal and has convicted the appellant for the aforesaid offences and sentenced him to undergo imprisonment for three years.

3. Our attention is invited to Section 8(3) of Representation of People Act, 1951 (for short "the 1951 Act"). As the sentence is above 2 years, the appellant who is a member of the Legislative Assembly will incur disqualification as a result of the conviction

4. After having perused the impugned judgment, *prima facie*, we find that the High Court has not considered the main question whether the view taken by the Special Court

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was a possible view.

5. Therefore, in the facts of the case and in view of the law laid down by this Court in the case of *Afjal Ansari v. State of Uttar Pradesh*¹, a case is made out for grant of suspension of sentence and conviction. The reason is that in view of operation of Section 8(3) of the 1951 Act, irreversible situation will be created if the conviction is not suspended.

6. Accordingly, we direct that the conviction of the appellant (K.Ponmudi @ Deivasigamani) under the impugned judgment and order stands suspended. Therefore, it follows that even the sentence stands suspended.

7. The prayer for interim relief is accordingly disposed of.

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8. Leave has already been granted.

9. The appellant is entitled to suspension of sentence and bail pending the final disposal of these appeals.

10. Accordingly, we direct that the appellant (Tmt. P.Visalakshi) shall be enlarged on bail by the Special Court on appropriate terms and conditions. The appellant will complete the bail formalities within a period of one month from today by appearing before the Special Court.

11. Till the completion of bail formalities, the order of exemption from surrendering will continue to operate.

1. (2024) 2 SCC 187

12. The prayer for interim relief is accordingly disposed of.

**(ANITA MALHOTRA)
AR-CUM-PS**

**(AVGV RAMU)
COURT MASTER**