

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 12.06.2026

PRONOUNCED ON : 08.07.2026

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THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL.A.No.626 of 2022

1. J.C.Venkatesan,
Town Planning Inspector,
Erode Municipality,
residing at 65A/3, Ayyar Thottam,
New Pallipalayam Road,
Opp. B.Komarapalaiyam,
Namakkal – 638183.

2. C.Ravi,
Chainman/Office Assistant,
Town Planning Section,
Erode,
residing at 112/18, Vinayagar Koil Street, Maruthi
Nagar,
Moolapalayam,
Erode 638 002.

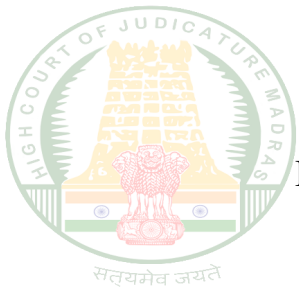
..Appellants/
Accused 1 and 2

Vs

State rep by
Deputy Superintendent of Police,
Vigilance and Anti Corruption Wing,
Erode,
(Crime No.1/AC/2007/ER)

..Respondent/
Complainant

PRAYER: Criminal Appeal filed under Section 374(2) of the Code of Criminal Procedure, 1973, praying to set aside the Judgment of conviction and sentence imposed upon the appellants by the learned Chief Judicial Magistrate, Erode in Special C.C.No.33 of 2015 dated 14.06.2022.



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For Appellant(s) :

Mr.A.Natarajan,
Senior Counsel,
Mrs.A.Madhumathi

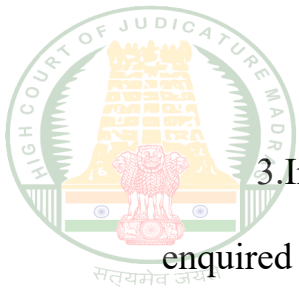
For Respondent(s):

Mr.R.Ganesh Kumar,
Counsel for Government of Tamil Nadu
(Criminal Side)

JUDGMENT

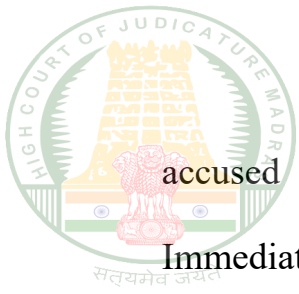
This Criminal Appeal is arising out of the Judgment passed in Special C.C.No.33 of 2015 on the file of the learned Chief Judicial Magistrate, Erode dated 14.06.2022 thereby convicted the accused for the offences punishable under Sections 7 and 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act.

2.The case of the prosecution is that the mother of the *defacto* complainant owned a plot to an extent of 1200 sq.ft. house site situated at Ward D, Block No.28, Town Survey No.91 part, Kamachikadu, Erode, with a tiled house to an extent of 480 sq.ft. at Erode Municipal limit. She applied for planning approval to the Erode Municipality to build a house on 18.09.2006. However, the application was rejected on 26.10.2026 for want of some additional documents Subsequently, it was re-presented and handed over to the 1st accused who was the Town Planning Inspector of Erode Municipality on 22.11.2006 at 01.00 p.m.



3. In this regard, the complainant went to the office of the 1st accused and enquired about the building planning approval for which the 1st accused demanded a bribe of Rs.10,000/- for granting approval. However, on request of the complainant, it was reduced to Rs.7,000/- and on further request it was again reduced to Rs.5,000/-. Once again, the first accused had insisted the complainant to pay a sum of Rs.5,000/- as bribe on 31.01.2007 at 01.00p.m. at his office. The complainant was not willing to comply to the demand of bribe and hence, lodged a complaint before the respondent. On receipt of the said complaint, the respondent registered an FIR in Crime No.1/AC/2007/ER for the offences punishable under Sections 7 and 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act.

4. Thereafter, the 1st respondent arranged a trap along with two Government officials after following the procedural formalities. The phenolphthalein quoted money of Rs.5,000/- was entrusted to the complainant and the complainant went to the office of the 1st accused along with the official witnesses on 31.01.2007 at 12.45 p.m. However, the 2nd accused, who was working as Chainman/Office Assistant of Town Planning Section, Erode Municipality demanded the complainant to hand over the bribe amount to him as instructed by the 1st accused. But, the complainant was waiting till the approval of the 1st accused. When the 1st accused arrived to his seat, he demanded the complainant the bribe amount. Thereafter, it was given to the 1st



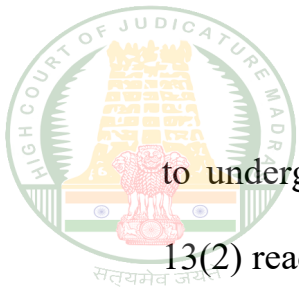
accused and the first accused passed the said amount to the 2nd accused.

Immediately, the official witnesses rushed to the office of the 1st and 2nd

accused. However, after seeing the Government Officials, the 2nd accused flew away from the place of the office. However, the 1st accused was caught red-handed and thereafter, the 2nd accused was also secured by the respondent. The Trap Team conducted phenolphthalein test with the 1st accused. The results of which came out to be positive. After completion of investigation, the respondent filed final reports and the same has been taken cognizance by the Trial Court.

5. In order to prove the charges, the prosecution had examined PW1 to PW14 and marked Ex.P.1 to Ex.P.31. The prosecution also produced M.O.s 1 to 8. On the side of the accused, Ex.D.1 to Ex.D.4 were marked and no one was examined to disprove the charges.

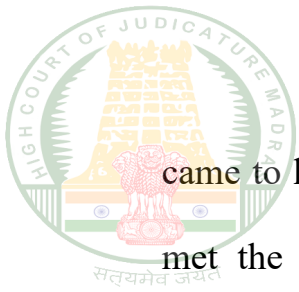
6. After analysing the oral and documentary evidence made on either side, the Trial Court found both the accused guilty for the offences under Sections 7 and 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act and sentenced each of the accused to undergo Rigorous Imprisonment for a period of 3 years and to pay a fine of Rs.5,000/- in default, to undergo Simple Imprisonment for 1 month for the offence under Section 7 of Prevention of Corruption Act. The accused was further sentenced to 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 1 month for the offence Under Section 13(2) read with 13(1) (d) of the Prevention of Corruption Act.

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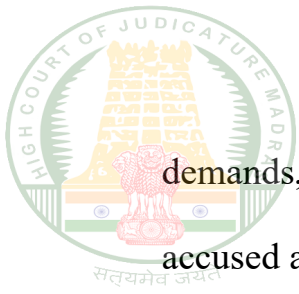
7.The learned Senior counsel for the appellants submitted that the prosecution failed to prove the alleged demand and acceptance of illegal gratification and recovery of tainted money from the 1st accused. The prosecution also failed to follow the stipulated guidelines before filing the final report. Upon receipt of the complaint from the complainant, the Sanctioning Authority returned to the concerned Officer, who proceeded to register the FIR without conducting any discreet enquiry as contemplated under the guidelines. The complaint was lodged on 31.01.2007 about 08.00a.m. The FIR was registered on 08.30a.m. on the same day. Thereafter, on the same day at 12.50 p.m. the 1st respondent had set up a trap. Even according to the Sanctioning Authority who had deposed as DW1, the application for planning approval was considered as early as on 26.10.2006 itself. Therefore, there was absolutely no need to demand any bribe from the *defacto* complainant. The complaint itself was an ill-motivated one. To that effect, the complainant was duly cross examined by the accused. He further submitted that on the date of the alleged demand, namely, on 08.01.2007 and 29.05.2007, the 1st accused was not even present in his office. He went for field inspection. Even according to the case of the prosecution, the prosecution had marked Movements Diary of the 1st accused as Ex.P.9. Accordingly, the 1st accused went for field inspection and



came to his place only after evening, whereas the complainant deposed that he met the 1st accused in the office at about 11.000a.m. and the 1st accused demanded bribe to grant the planning approval. Therefore, the prosecution failed to prove the very demand itself.

8. According to the prosecution, the 1st accused received the tainted money with his right hand and handed over the same to the 2nd accused. During the phenolphthalein test, the results for his left hand was also found to be positive. Insofar as the 2nd accused is concerned, he did not demand any bribe and the only allegation against him was that the first accused received the said bribe and subsequently handed over the same to the second accused. He further submitted that Ex.P.17 - Information Centre Building Application Register, reveals that the mother of the *defacto* complainant namely the applicant duly received the planning permission approval on 18.10.2006 itself. She had also duly signed the register. That apart, the 1st accused is the field inspector and hence, no application can be filed before the 1st accused seeking for planning approval.

9. After getting planning permission, the *defacto* complainant lodged a complaint due to the political motive and with previous enmity with regard to the removal of posters by the accused as the *defacto* complainant is associated with one political party. Therefore, the prosecution failed to prove the



demands, acceptance and recovery. Hence, no charges are made out against the accused and even then, the Trial Court has mechanically convicted the accused.

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10.*Per contra*, the learned Counsel for Government of Tamil Nadu (Criminal Side) contended that though the 1st accused went to the field inspection on the dates of demand i.e, on 08.01.2007 and 29.01.2007, he subsequently returned to his office. At this juncture, the *defacto* complainant had gone to his office and had enquired about the application for the planning permission. The 1st accused demanded bribe of Rs.10,000/- for granting permission. Had the 1st accused not demanded any bribe, he would have refused to receive the bribe on 31.01.2007, while the trap was set up by the respondent. During the trap, the 1st accused duly received the bribe amount from the complainant and handed over the same to the 2nd accused. In fact, the 2nd accused fled from the scene of the crime and from the Government officials. Had the accused not committed any crime, there was absolutely no reason for him to flee from the scene of occurrence.

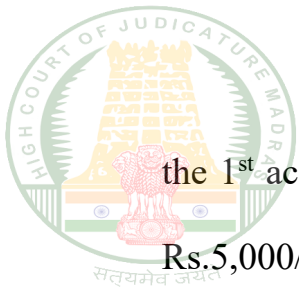
11.Further, the owner of the land had deposed as PW4. Ex.P.17 is the Register of receiving applications. Accordingly, the petitioner's mother submitted application and it was duly acknowledged by her. PW1 deposed that the approval was perused and approved only on 20.12.2006. Therefore, Ex.P.17 is nothing but a Register maintained for receipt of application for planning



permission. Though PW1 perused the application and granted approval, it was not communicated to the accused or was proceeded further. Instead, the accused met the *defacto* complainant's mother and demanded bribe. Further, the 1st respondent, on receipt of the complaint from the defacto complainant had conducted enquiry about the conduct of the accused and the *defacto* complainant and only thereafter, set up a trap. But, in the trap, both the accused got caught red-handed and as such the prosecution clearly proved the demand, acceptance and recovery of the bribe from the accused. The Trial Court has rightly convicted the accused and it does not warrant any interference of this Court.

12. Heard the learned counsel appearing on either side and perused the material available on record.

13. There are two accused in the present case. The 1st accused was working as Town Planning Inspector in the Erode Municipality and the 2nd accused was working as Chainman/Office Assistant in the same Municipality. On receipt of the application for planning approval to construct a house in the house plot owned by PW4, PW2 visited the office of the accused. However, on the first occasion, it was returned for want of some documents. Once again, it was re-presented after compliance of all the queries on 22.11.2006. Thereafter, when PW2 visited the office of the 1st accused on 08.01.2007 about 01.00 p.m.,



the 1st accused demanded a bribe of Rs.10,000/-. On request, it was reduced to Rs.5,000/- and once again, when PW2 visited the office of the 1st accused on 29.01.2007 at about 11.30a.m., the 1st accused had insisted PW2 to settle a bribe of Rs.5,000/- on 31.01.2007. PW2, not willing to comply with the said demand, lodged the complaint before the 1st respondent. The complaint was marked as Ex.P.2. On receipt of the said complaint, the 1st respondent registered the FIR which is marked as Ex.P.27. Thereafter, the 1st respondent arranged a trap with the assistance of the Government Officials at about 12.45p.m. at the office of the accused on 31.01.2007. The bribe amount was handed over to the 1st accused and the same was received by him and in turn, he handed over the bribe amount to the 2nd accused. When the Government Officials entered into the office of the 1st accused, after seeing the officials, the 2nd accused was trying to escape from the scene of crime. However, he was chased and caught hold by the 1st respondent and his Team. Both the accused got caught red-handed and they were subjected to phenolphthalein test and the result of the test came out to be positive.

14.The learned Senior counsel for the appellant vehemently contended that PW2 deposed that the 1st accused, after receiving the bribe amount with his right hand, handed the same over to the 2nd accused. However, his left hand was also subjected to phenolphthalein test and the result of the test came out to be positive. It is pertinent to note that the person received the bribe with his hand



and thereafter, using both of his hands, handed it over to the 2nd accused.

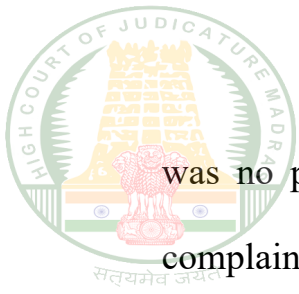
Further, there is no evidence to show that the 1st accused after receiving the bribe amount, handed it over to the 2nd accused only by using his right hand.

Insofar as Ex.P.9 – Diary of the 1st accused is concerned, it is maintained by the 1st accused for his field visit. According to the case of the prosecution, the 1st accused made his first demand on 08.01.2007 and thereafter, on 29.01.2007. On 08.01.2007, the 1st accused went for field inspection and returned to his office during afternoon and had met PW2 about 01.00 p.m. On the next occasion, i.e., 29.01.2007 also, the 1st accused went for field inspection and returned to his office during afternoon. However, PW2 deposed that he met the 1st accused at about 11.30 hours. The time difference is a minor contradiction, and as such, it cannot be said that the 1st accused was not in his office on 29.01.2007. Further, based on the said demand, PW2 went to the office of the accused on 31.01.2007 with the bribe amount. Had the 1st accused not demanded any bribe, he would not have received the bribe amount. The 1st accused expected PW2 on 31.01.2007 and in fact, he was not there in his office at 01.45 p.m. and at the time when PW2 went to his office. Therefore, the 1st accused had instructed the 2nd accused to receive the bribe from PW2. However, PW2 waited in his office till his arrival. After the arrival of the 1st accused, PW2 gave a sum of Rs.5,000/- as bribe to the first accused and it was duly received by him and thereafter, the same was handed over to the 2nd accused.



15. Insofar as PW17 is concerned, which is the Register maintained by the office to record the receipt of the applications of the year 2006, PW4 had signed the Register on two dates i.e, 18.09.2006 and 18.10.2006. However, there is no mention as to what the sign was for. Even assuming that signs on both the dates are for the receipt of the application for grant of approval, PW1, PW8 and PW10 categorically deposed that the complainant's application was considered by PW1 and it was approved on 26.12.2006 itself. Therefore, both the dates are neither matching the date of application nor the date of approval. The case of the prosecution is that the application for seeking complainant's approval was re-presented on 22.11.2006 and thereafter, it was approved by PW1 on 26.12.2006. Thus, it has come to light that even after PW1 had granted the approval, A1 & A2 had made PW2 and PW4 wait just for the sake of illegal gratification. In fact, to that extent the accused did not even cross examine in respect of Ex.P.17 and the accused also did not cross examine any of the witnesses of the prosecution.

16. That apart, the prosecution need not go into the details as to when the application for planning approval was approved or whether the demand was made before or after the approval was granted. Further, on receipt of the complaint, the 1st respondent registered the FIR and thereafter, conducted discreet enquiry. PW13 - Inspector of Police who registered the FIR deposed that he conducted discreet enquiry after registration of FIR and found that there

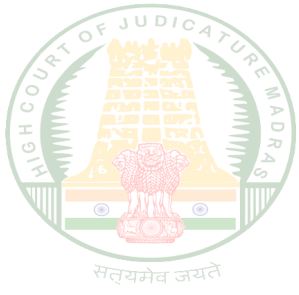


was no previous enmity between the accused and PW2 and found that the complaint lodged by PW2 is a genuine one. Only thereafter, he set up the trap with the assistance of the Government Officials and caught the accused red-handed. Thereafter, the accused were subjected to phenolphthalein test. Therefore, the prosecution clearly proved the demand, acceptance and recovery of the illegal gratification from the accused.

17. Therefore, the Trial Court has rightly convicted the accused for the offences punishable under Sections 7 and 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act and it does not warrant any interference of this Court. Hence, this Criminal Appeal fails. Accordingly, this Criminal Appeal is dismissed.

08-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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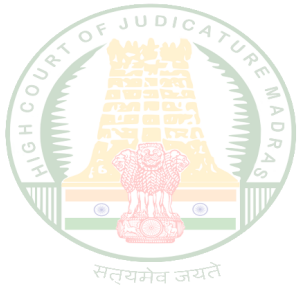
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To

1, The Chief Judicial Magistrate,
Erode.

2. The Deputy Superintendent of Police,
Vigilance and Anti Corruption Wing,
Erode.

3. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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G.K.ILANTHIRAIYAN J.

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