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Crl.A.No.241 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2026

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.A.No.241 of 2017

A.Periasamy,
S/o.V.Arunachalam

... Appellant

Vs.

State represented by
The Inspector of Police,
Vigilance and Anti-Corruption,
Namakkal.
Cr.No.2/AC/2001.

... Respondent

Prayer: Criminal Appeal filed under Section 374 of the Criminal Procedure Code, 1973 read with Section 27 of the Prevention of Corruption Act, 1988, to set aside the Judgment of Conviction and Sentences imposed on the appellant by Judgment dated 18.04.2017 made in Special Calendar Case No.15 of 2002 on the file of Special Judge/Chief Judicial Magistrate, Namakkal, under the Prevention of Corruption Act, 1988.

For Appellant : Mr.K.V.Sridharan

For Respondent : Mr.R.Ganesh Kumar
Counsel for Government of Tamil Nadu
(Criminal Side)



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ORDER

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This Criminal Appeal is arising out of the Judgment passed in Spl.C.C.No.15 of 2002 dated 18.04.2017 on the file of the Special Judge / Chief Judicial Magistrate, Namakkal, thereby convicting the Appellant/Accused for the offences punishable under Section 7 and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

2. The case of the prosecution is that the Appellant/Accused while working as a Village Administrative Officer, Tho.Jedarpalayam Village, Rasipuram Taluk, Namakkal District from 09.07.1996 to 24.02.2001. The Appellant/Accused was charged with the offences punishable under Section 7 and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 for attempting to procure illegal gratification from one Mr.A.R.Ganapathy the complainant on behalf of one Mrs.Nallammal, who is none other than the complainant's paternal aunt, who applied for transfer of Patta in respect of the property comprised in S.No.149 situated at Tho.Jedarpalayam Village, Rasipuram Taluk, Namakkal District, which is classified as a Government Poramboke Land.



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3. On 16.02.2001, the Appellant/Accused demanded a sum of Rs.25,000/- out of which Rs.5,000/- was to be paid as a 1st installment. But, since the complainant and the said Nallammal had expressed their incapacilities to pay the same, the amount to be paid as 1st installment was further reduced to Rs.3,000/-.

4. It is in this background an FIR was registered after the Appellant/Accused was caught red handed in the trap proceedings while receiving a sum of Rs.3,000/- as a bribe for transfer of Patta for the said land in favour of the said Nallammal.

5. After completion of investigation, the respondent Police filed Final Report and the same has been taken cognizance by the Trial Court. In order to prove the charges framed against the Appellant/Accused, the prosecution has examined PW1 to PW24 and marked Exhibits Ex.P1 to Ex.P37. On the side of the Appellant/Accused, two witnesses were examined as DW1 and DW2 and Exhibits Ex.D1 to Ex.D3 were marked. The prosecution also produced material objects M.O.1 to M.O.8.



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6. On perusal of the oral and documentary evidence, the Trial Court found the Appellant/Accused guilty for the offences punishable under Section 7 and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988. For the offence punishable under Section 7 of the Prevention of Corruption Act, 1988, the Appellant/Accused was sentenced to undergo 2 years simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo 1 month simple imprisonment.

7. Further, for the offence punishable under Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988, the Appellant/Accused was sentenced to undergo 2 years simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo 1 month simple imprisonment.

8. Learned counsel for the Appellant/Accused submits that the alleged demand of bribe was not proved by the prosecution. There is a contradiction between the complainant, who deposed as PW2 and the shadow witness, who deposed as PW3.



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9. It is submitted that, in order to prove the alleged demand of bribe, the prosecution failed to provide the call detail records between the complainant and the Appellant/Accused. In fact, even according to PW2, he did not even whisper about the date of alleged demand.

10. It is further submitted that the trap was set up on two days i.e., 23.02.2001 and 24.02.2001. Though the alleged demand was made on 16.02.2001, the complaint was lodged by the complainant after a long period i.e., on 23.02.2001 and there is no explanation for the delay in lodging the complaint.

11. It is submitted that the said Nallammal, who deposed as PW5 did not support the case of the prosecution. She turned hostile even in cross-examination and nothing was elicited by the prosecution to prove the charges.

12. It is further submitted that PW5 was not even present at the time of receipt of the bribe amount and recovery of the bribe amount from the Appellant/Accused.



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13. It is submitted that the prosecution failed to send any request letter to the Official Witness, who stood as a witness to the trap proceedings. Therefore, it is fatal to the case of the prosecution. Even then, the Trial Court without considering the above facts and circumstances, mechanically convicted the Appellant/Accused.

14. Per contra, Mr.R.Ganesh Kumar, learned counsel for the State of Tamil Nadu (Criminal Side) submits that the complainant has deposed as PW2 and the shadow witness deposed as PW3. The person who had asked for transfer of Patta namely Nallammal deposed as PW5.

15. It is submitted that the evidence of PW2 and PW3 clearly corroborated with each other. Since there was a continuous demand of bribe from PW2 by the Appellant/Accused, there was a delay in lodging the complaint. Therefore, on the alleged illegal demand, PW2 lodged the complaint.

16. It is submitted that, after registration of FIR, the Trap Laying Officer had set up the trap in which the Appellant/Accused was caught



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red handed with tainted money. Though PW5 turned hostile in her cross-examination, she categorically supports the case of the prosecution.

17. It is submitted that the demand, acceptance and recovery of bribe amount were clearly proved by the prosecution and the Trial Court rightly convicted the Appellant/Accused. Hence, it does not warrant any interference by this Court.

18. Heard the learned counsel for the Appellant and the learned counsel for the State of Tamil Nadu.

19. The complainant while applying for transfer of Patta on behalf of PW5, deposed as PW2. The sanctioning authority who accorded sanction to prosecute the accused, had deposed as PW1 and the sanction order was marked as Ex.P1.

20. On perusal of deposition of PW2, it is revealed that he possessed the agricultural land to the extent of 8 Acres. PW5 is the complainant's paternal aunt, who is in possession and enjoyment of the subject land.



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21. After the demise of his paternal uncle, the complainant applied for transfer of Patta in his name on behalf of PW5. The said application was submitted before the Revenue Divisional Officer and the same was returned for want of certain documents. Thereafter, the Revenue Divisional Officer conducted a survey in respect of the subject land and applied for a fresh Patta before the Appellant/Accused for which, the Appellant/Accused demanded bribe of Rs.25,000/- for transfer of Patta. It was informed to PW5 and she expressed her incapability to pay such huge amount of bribe.

22. Once again, PW2 approached the Appellant/Accused and the Appellant/Accused reiterated the very same demand of bribe to the tune of Rs.25,000/-. Therefore, PW2 lodged the complaint which was marked as Ex.P2. Once again, PW2 informed the Appellant/Accused that he will pay the bribe amount next day. Thereafter, he lodged the complaint on 23.02.2001 and the same got registered by the Respondent Police.

23. After following the due procedure, the Trap Laying Officer had set up the trap in the house of PW5 on 23.02.2001. However, the



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Appellant/Accused informed PW5 that he was not able to come on that day and he will come the next day to collect the bribe amount.

24. Therefore, on the next day, the Trap Laying Officer continued the set up and during the trap proceedings, the Appellant/Accused came to the house of PW5 and received the bribe amount of Rs.3,000/-. Thereafter, he was caught red handed by the Trap Laying Team and recovered the tainted money.

25. The Appellant/Accused was subjected for phenolphthalein test and he had tested positive. It is clearly corroborated by the Shadow Witness PW3. There is absolutely no contradiction as stated in the submission made by the learned counsel for the Appellant/Accused. Though PW2 did not mention the date of demand, it is proved by the prosecution that PW2 submitted an application for transfer of Patta with the Appellant/Accused for which, he demanded bribe. Therefore, he lodged the complaint on 23.02.2001.

26. The other staff who is working along with the Appellant/Accused had deposed as PW4. He has corroborated the



evidence of PW2 and PW3. PW4 had only received the application for transfer of Patta. Further, PW5 was the owner of the land, and who is in possession of the subject land. Though she turned hostile during the cross-examination, she categorically supported the case of the prosecution. The relevant portion of evidence is extracted below:-

“என்னை போலீசார் விசாரித்தனர் என்றும், அந்த விசாரணையில் நான், எதிரி அடிக்கடி தண்டல் தீர்வை வரி வாங்க வேண்டி எங்கள் நிலத்திற்கு வருவார் என்றும், பட்டா ஏற்பாடு செய்ய பணம் வேண்டும் என்று சொன்னார் என்று சொன்னால் சரியல்ல. 16.2.2001ம் தேதி கணபதி ஜோட்பாளையத்தில் வி.ஏ.ஓ. அலுவலகத்திற்கு சென்று தண்டல் பணத்தை கட்டினார் என்றால் சரி. கணபதி என்னிடம் எதிரி முதல் தவணையாக ரூ.5,000/- மும், பின்பு, அதனை ரூ.3,000/-மாக குறைத்தும் கொடுக்கும்படி சொன்னார் என்றால் சரிதான். கணபதி பணம் சரிசெய்து கொண்டு வந்து கொடுப்பதாக எதிரியிடம் 23.2.2001ம் தேதி போன் செய்து பேசியதாகவும், அதற்கு எதிரி அவர் கேட்ட ரூ.3,000/- த்தை ரெடியானால் எங்கள் வீட்டிற்கு அவரே வந்து வாங்கிக்கொள்வதாக சொன்னார் என்று கணபதி என்னிடம் சொன்னார் என்றால் சரி. மேற்படி லஞ்ச பணம் ரூ.3,000/- த்தை எனக்கு கொடுக்க இடமில்லாததால்தான், கணபதியிடம் எதிரியின் மீது லஞ்ச ஒழிப்பு துறையில் புகார் செய்ய சொன்னேன் என்றால் சரி. அதன்பேரில் 23.2.2001ம் தேதி எதிரி பெரியசாமி மீது கணபதி லஞ்ச ஒழிப்பு, துறையில் புகார் கொடுத்தார் என்று சொன்னால் எனக்கு ரூபகம் இல்லை. பின்பு, அன்றைய தினமே கணபதியும் மற்றும் ஒரு அதிகாரியும் என வீட்டிற்கு வந்திருந்தார்கள் என்றால், வந்தார்கள், பேசிக்கொண்டுதான் இருந்தார்கள். அன்று லஞ்ச ஒழிப்பு, போலீசாரும் வந்திருந்தார்கள் என்றால் யார் யார் என்று எனக்கு தெரியாது. கூரைகொட்டாய் அருகில் லஞ்ச ஒழிப்பு, போலீசார் மறைந்து இருந்தார்கள் என்றும், கணபதியும்,



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அரசு அலுவலரும்தான் பேச்சுக்கொண்டிருந்தார்கள் என்றால் சரிதான். பின்பு, மாலை 4.45 மணிக்கு எங்கள் வீட்டில் இருக்கும் தொலைபேசியில் கணபதியிடம் வி.ஏ.ஓ. பேசினார் என்றால் சரிதான். ஆனால் எதிரி தொலைபேசியில் கணபதியிடம் தன்னால் அன்று வர இயலவில்லை என்றும், ராசிபுரம் தாலுக்கா அலுவலகத்திற்கு சென்றுள்ளதாக கூறியும், மறுநாள் வந்து பணத்தை வாங்கிக்கொள்வதாக கூறினார் என்றால் எனக்கு தெரியாது. மேற்படி விவரத்தை கணபதி லஞ்ச ஒழிப்பு, அதிகாரியிடம் சொன்னதால், அவர்கள் அன்று சென்றுவிட்டார்கள் என்றால் சரிதான். மறுநாள் 24.2.2001ம் தேதி பகல் 12.00 மணிக்கு கணபதியிடம் வந்த மற்றொரு அதிகாரியும், மற்றும் லஞ்ச ஒழிப்பு, துறை ஆய்வாளர் ஆகியோர்கள் என தோட்டத்திற்கு வந்திருந்தார்கள் என்றால் சரிதான். அப்போது என மகள் சத்தீஸ்வரி என வீட்டில் வேலை செய்துகொண்டிருந்தாள். அப்போது கணபதி மற்றும் அதிகாரிகள் வி.ஏ.ஓ. வருகைக்காக காத்திருந்தார்கள் என்றால் சரிதான். அன்று கணபதியும், மற்ற அதிகாரியும் என வீட்டில் உட்கார்ந்து கொண்டிருந்தார்கள் என்றும், மற்ற போலீசார்கள் கூரைக்கொட்டாயில் மறைந்துகொண்டார்கள் என்றால் சரிதான். பின்னர் மாலை 4.00 மணிக்கு வி.ஏ.ஓ. பெரியசாமி மோட்டார் சைக்கிளில் என வீட்டிற்கு வந்தார் என்றால் சரிதான். அவரை நானும், கணபதியும் வாங்க என்று கூப்பிட்டோம். எதிரியும் வீட்டிற்கு வந்து சேரில் அமர்ந்தார். நான் காப்பி போட உள்ளே சென்றுவிட்டேன் என்றால் சரிதான்,”

27. Therefore, the specific contention of the learned counsel for the Appellant/Accused that PW5 was not present at the time of giving bribe amount, cannot be accepted. In fact, she had only received the Appellant/Accused and she was directed to make a coffee for the Appellant/Accused.



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28. Therefore, she went inside her house while the Appellant/Accused had received the bribe amount. It does not mean that she was not there at the time of the occurrence.

29. Therefore, the prosecution categorically proved the demand, acceptance and recovery of bribe money.

30. Hence, the Trial Court rightly convicted the Appellant/Accused and this Court finds no infirmity or illegality in the order of conviction and sentence imposed by the Trial Court.

31. This Criminal Appeal, is thus, dismissed.

06.08.2026

Neutral Citation: Yes / No

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To:

- 1.The Special Judge/Chief Judicial Magistrate,
Namakkal.
- 2.The Inspector of Police,
Vigilance and Anti-Corruption,
Namakkal.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai-600 104.



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