



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Eleventh day of July Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP (MD) No.5434 of 2016
IN
CRL A (MD) No.245 of 2016

K.JEYA LAKSHMI

... Appellant /Accused (Single)

Vs

The State Represented by,
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI-CORRUPTION DETACHMENT,
NAGERCOIL, KANYAKUMARI DISTRICT.
CR. NO.6/2006

... RESPONDENT / COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspending the sentence imposed by the Learned Special Judge Special Court for trial of Cases Under P.C Act special Court for Trial of cases under P.C Act Tirunelveli, Tirunelveli District in Special Case No.30 of 2014 vide his judgement dated 17.6.2016 pending the disposal of the main Crl.A.245 OF 2016

Order : These petitions coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S R.ANAND, Advocate for the petitioner and Mr.P.Kandasamy, Advocate(Crl.Side) the Respondents the court made the following order:-

While challenging her conviction and sentence in Special Case No.30 of 2014, on the file of learned Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act at Tirunelveli, the petitioner seeks appeal bail under Section 389 Cr.P.C.

2.At the relevant time, the accused was Zonal Deputy Tahsildar, Ambasamudram, Tirunelveli District. She is alleged to have demanded Rs.100/- from P.W.2 for placing before the Thasildhar. P.W.2's



3.Relying on the evidence adduced the trial Court convicted and sentenced her as under:

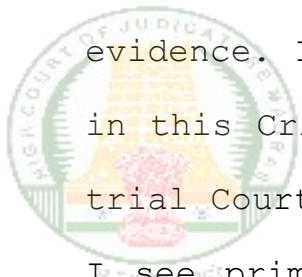
Conviction	Sentence
Under Section 7 of Prevention of Corruption Act, 1988	3 years S.I. and fine Rs.5,000/- i/d 5 months SI
Under Section 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988	3 years S.I. and fine Rs.5,000/- i/d 5 months SI

Both the sentences were directed to run concurrently. She has paid the fine amounts.

4.According to the learned counsel for the petitioner that in a trap case both 'demand' and 'acceptance' have to be proved beyond all reasonable doubts, otherwise the prosecution will fail. However, in this case, it was not established. In this respect there is inconsistency in the evidence of P.W.2. The evidence of P.W.6 probabalises the defence version. There is recorded evidence that at the time of alleged occurrence the petitioner was elsewhere. Further, the evidence of P.W.1 would show that his sanctioning of the prosecution is not proper. He has mechanically passed the sanction order.

5.On the other hand, the learned Government Advocate (Crl. Side) would submit that 'demand' and 'acceptance' have been duly proved through ample evidence. There is evidence of official witnesses. Further, there is scientific evidence. Thus, the accused has been rightly convicted and appropriately sentenced.

6.I have anxiously considered the rival submissions, perused the impugned judgment and also referred to relevant piece of



evidence. I am of the view that certain arguable points are involved in this Criminal Appeal. Further, the petitioner was on bail in the trial Court. It will take some time for the disposal of this appeal. I see prima-facie case in her favour. I am inclined to grant her appeal bail.

7. Ordered as under:

(1) Appeal bail granted.

(2) Her sentence of imprisonment alone is suspended.

(3) There shall be two sureties, they and the petitioner shall execute a bond for Rs.15,000/- (Rupees Fifteen thousand only) each to the satisfaction of learned Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act at Tirunelveli.

(4) The petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. until further orders.

sd/-

11/07/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SPECIAL JUDGE
SPECIAL COURT UNDER PREVENTION OF CORRUPTION
ACT, TIRUNELVELI
- 2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI-CORRUPTION DETACHMENT,
NAGERCOIL, KANYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. C.C. to M/S R.ANAND Advocate SR.No.35588

sj

JAM/12.07.2016/SK-SKN/SARI/3p-5c



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Date :11/07/2016