IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :20.04.2018

Pronounced on :26.04.2018

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Criminal Appeal Nos.60 & 62 of 2015

Tmt.P.Mohana .. Appellant in Crl.A.No.60 of 2015

Tr.K.Chandraseakaran .. Appellant in Crl.A.No.62 of 2015

/versus/

State by
The Inspector of Police,
Vigilance and Anti-Corruption,
Salem.
(Crl.No.23/AC/2002) .. Respondent in both the appeals

Prayer in Crl.A.No.60/2015: Criminal Appeal filed under Section 374(2) of the Criminal Procedure Code praying to set aside the conviction and sentence made in Spl.C.C.No.34 of 2014 on the file of the Special Judge(Special Court for trial of Cases, under the Prevention of Corruption Act), Salem dated 13.01.2015.

Prayer in Crl.A.No.62/2015: Criminal Appeal filed under Section 374(2) of the Criminal Procedure Code against the judgment dated 13.01.2015 and made in Spl.C.C.No.34 of 2014 on the file of the Court of the Special Judge(Special Court for trial of Cases under the Prevention of Corruption Act), Salem to undergo Simple Imprisonment for one year and to pay a fine of Rs.5,000/-in default to undergo Simple Imprisonment for three months for the offence under Section 7 of Prevention of Corruption Act. Further, 1st accused is sentenced to undergo Simple Imprisonment for two years and to pay fine of Rs.10,000/-, in default to undergo Simple Imprisonment for six months for the offence under Section 13(2) r/w 13(1)(e) and (d) of the Prevention of Corruption Act, 1988.

For Appellants :Mr.A.Padmanaban(Crl.A.No.60/2015)

Mr.R.Ezhilarasan(Crl.A.No.62/2015)

For Respondent :Mr.K.Prabakar, APP in both appeals

COMMON JUDGMENT

These appeals are directed against the conviction and sentence imposed by the trial Court in Spl.C.C.No.34 of 2014 vide, its judgment dated 13.01.2015 against Chandrasekaran(A1) (appellant in Crl.A.No.62 of 2015) to undergo one year SI and fine of Rs.5,000/-, in default to undergo 3 months SI for the offence under Section 7 of Prevention of Corruption At, 1988 and to undergo 2 years SI and to pay fine of Rs.10,000/- in default to undergo SI for 6 months for the offence under Section 13(2) r/w 13(c) and (d) of the Prevention of Corruption Act, 1988; and against Tmt.P.Mohana (A2) (appellant in Crl.A.No.60 of 2015) to undergo 6 months SI and to pay fine of Rs.2500/- in default to undergo 1 month SI for the offence under Section 218 of Indian Penal Code. The second accused was found not guilty of offences under Sections 13 r/w 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988. The sentences awarded against 1st accused was ordered to run concurrently. The period of detention already undergone by both the accused is ordered to be set off by invoking the provisions of Section 428 of the Code of Criminal Procedure.

2. Brief facts leading to these appeals are as follows:

Thiru.Chinnathambi, a resident of Salem District, Omalur Taluk, Kundukal Village applied for housing loan from Palace Nagar Co-operative House Building Society, Tharamangalam branch and the same was considered and Rs.1,50,000/- was sanctioned as loan during the month of September 2001. The first instalment of RS.48,660/- was released on 06.02.2002 and the second instalment of Rs.43,446/- was released on 30.03.2002, after deducting the share amount, interest, penal interest and cheque commission. While the third instalment of Rs.45,000/- to be released, A1(Chandrasekaran)being the Secretary to Palace Nagar Co-operative House Building Society, Tharamangalam Branch had demanded an illegal gratification of Rs.3,000/- from Thiru.Chinnaponnu, S/o Chinnathambi, somewhere around August 2002. A week before the trap date of 20.09.2002, Mr.Chinnaponnu and his father Chinnathambi met A1(Chandrasekaran) and explained their financial difficulty and requested him to release the third instalment without demanding any bribe. However, A1(Chandrasekaran) firmly told that, they should give at least Rs.2,000/- to pass the cheque or else, he will cancel the cheque.

3. Again on 16.09.2002, Thiru.Chinnaponnu went to Palace Nagar Co-operative House Building Society, Tharamangalam Branch and met its

Secretary Chandrasekaran (A1) and enquired about release of the third instalment. A1 (Chandrasekaran) told that unless Rs.2,000/- is given to him, he will not get the signature of his Special Officer and Sub Registrar in the Cheque. On 19.09.2002, at about 10.00 a.m., Thiru.Chinnaponnu went to Palace Nagar Co-operative House Building Society, Tharamangalam Branch met A1(Chandrasekaran) and enquired about the cheque. A1(Chandrasekaran) had firmly told Thiru.Chinnaponnu that on 20.09.2002, he should come and give Rs.2,000/- and collect the cheque. Since Thiru.Chinnathambi, applicant and his son Thiru.Chinnaponnu did not like to give bribe and get the third instalment amount, they decided to complaint the matter to Vigilance Department.Accordingly, Thiru.Chinnaponnu gave a written complaint on 20.09.2002, at about 08.00 hours to the Inspector, Vigilance and Anti-Corruption, Salem. The said complaint [Ex.P2] was received by Thiru.K.Nachiappan, Inspector of Police and the First Information Report was registered.

4. Based on the complaint, Thiru.K.Nachiappan, (PW-11) decided to lay a trap for A1 to catch him red handed while receiving bribe. Therefore, he requested the District Educational Officer, Salem and Director of Silk Development Department to send witnesses for the trap proceedings. On his request at about 11.00 hours, (i) Ashok Kumar, PG Assistant and (ii)

V.Rathinam, Superintendent of Silk Development Office, Salem, were presented in the Vigilance Office. In the presence of the witnesses, demonstration of Phenolphthalein test was conducted. Twenty hundred rupees notes given by the defacto complainant Thiru.Chinnaponnu(PW-2) were smeared with phenolphthalein powder and given to Rathinam to count and thereafter, dip his hand fingers in the sodium carbonate solution. The colourless solution turned into pink colour. The currencies smeared with phenolphthalein powder were entrusted to Thiru.Chinnaponnu and entrustment mahazar (Ex.P3) was prepared and signed by the witnesses. Thereafter, the defacto complainant along with one of the official witnesses (Ashok Kumar) proceeded to Palace Nagar Co-operative House Building Society, Tharamangalam Branch located at Nangavelli Main Road. They were followed by the trap team led by Nachiappan(PW-11).

5. At about 15.55 hours, on 20.09.2002, A1 demanded and accepted the bribe amount of Rs.2,000/- from Chinnaponnu (PW-2) in the presence of Ashok Kumar (PW-3) and handed it over to Mohana (A2) Clerk. On receiving pre-arranged signal, the trap team entered the office of the accused and enquired PW-2 and PW-3. After ascertaining that A1 received the tainted money, the trap laying officer asked A1(Chandrasekaran) to dip

his hands in the sodium carbonate solution. Since the colourless solution turned into pink, A1 was enquired about the money received from PW-2. Samples of the hands solution were also collected and labelled as S1 and S2. On the information given by A1 that he gave the tainted money to A2(Mohana), A2 was also asked to dip her hands in the sodium carbonate solution. The colour of the solution turned pink. Hence, the samples of the solution were collected and labelled as S3 and S4. On enquiry with Mohana (A2), she informed the trap laying officer that A1 gave Rs.2,000/-, which she is kept in the left hand side drawer and she took it out from the drawer and handed over to the trap laying officer. The numbers found in the currency handed over by A2(Mohana) tallied with the currencies numbers noted in the entrustment mahazar (Ex.P3). The file relating to the loan application of Thiru.Chinnathambi was also seized during the trap proceedings. On completion of the trap, mahazar was drawn in the presence of the witnesses.

6. The investigation of the case was entrusted to PW-12 (A.Periyasamy) Deputy Superintendent of Police, Salem Vigilance and Anti-Corruption. He took out the investigation on 21.09.2002, after obtaining prior sanction to prosecute the accused, recording the statement of the witnesses and obtaining the lap report and laid final report before the trial Court.

7. The trial Court framed charges under Section 7 of Prevention of Corruption Act, 1988 and 13(2) r/w 13(1)(d) and Section 13(1)(c) r/w 13(2) of Prevention of Corruption Act, 1988 against A1 (Chandra sekaran), Secretary to Palace Nagar Co-operative House Building Society, Tharamangalam Branch and framed charges under Section 12 r/w 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988 and Section 218 of Indian Penal Code against A2 Tmt.Mohana, Clerk, Palace Nagar Co-operative House Building Society, Tharamangalam Branch.

8. The trial Court, after considering the evidence of the defacto complainant(PW-2), accompanying official witness(PW-3), trap laying officer (PW-11) and the evidence of PW-7(G.A.Thangamani) Secretary of Palace Nagar Co-operative House Building Society, Salem, held that on 16.09.2002 and 19.09.2002, A1 demanded bribe of Rs.2000/- from Thiru.Chinnaponnu to release the 3rd installment in the name of his father Chinnathambi. On 20.09.2002, A1 demanded and accepted Rs.2000/- from PW-2 and gave it to A2(Mohana). A2, in order to save A1 from being prosecuted for receipt of illegal gratification, created false entries in the loan ledger and fabricated receipts as if the bribe amount of Rs.2,000/- was paid towards the loan instalment by Thiru.Chinnathambi to discharge his loan instalment. Further, while chitta register(Ex.P14) indicates that the

cash balance on 20.09.2002 ought to be Rs.36,316/-, actually cash balance was only Rs.20,900/-. The balance sum of Rs.15,416/- has been misappropriated by A1. Therefore, while acquitting A2 for charge under Section 12 r/w 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, convicted A1 for the offence under Section 7 and 13(2) r/w 13(1)(c) and 13(1)(d) of Prevention of Corruption Act, 1988 and convicted A2 for the offence under Section 218 of Indian Penal Code. Aggrieved by the said conviction and sentence, the appellants (A1 and A2)have preferred Crl.A.Nos.60 and 62 of 2015.

9. The learned counsel appearing for the appellants would submit that the inherent contradiction in the evidence of PW-2 and the contradiction of the evidence of PW-2 that of PW-3 were not properly appreciated by the trial Court. The averments made in Ex.P2 complaint, the testimony of PW-2 regarding the demand of the bribe amount of Rs.2000/- by A1 on 16.09.2002 from PW-2 and his father and they accepted to pay the money demanded does not form part of the complaint. The evidence PW-2 and PW-3 regarding the manner in which the cheque Ex.P5 was handed over to PW-2 by A1 ought to have weighed the mind of the trial Court and acquitted the accused, since the evidence of PW-2 and PW-3 are unreliable and contradictory to each other. The trial

Court has failed to accept the explanation given by the appellant regarding receipt of Rs.2,000/- from PW-2 towards loan instalment and the same being entered the loan register and the receipt was also prepared. Even before issuing the receipt, PW-2 has called the trap team and recovered the money as well as records.

10. It is submitted by the learned counsel appearing for the appellant in criminal appeal No.62 of 2015 that the cash balance will be tallied only at the end of the last transaction of the day. Any shortage of the money during the course of the day will not lead to interference that the person in charge has temporarily misappropriated.

11. As far as the learned counsel for the appellant/A2 in Crl.A.No.60 of 2015 would submit that, the prosecution has not made out any case against this appellant. The ingredient of Section 218 IPC has not been satisfactorily proved against A2. She as a clerk, on receipt of the money from the Secretary A1, she prepared the receipt and also made relevant entry in the register, which form part of the prosecution document. While so, the trial Court ought not to have convicted her for Section 218 IPC.

12. It is further contended by the learned counsel appearing for A2(Crl.A.No.60 of 2015) that while trial Court rightly acquitted the accused for the offences under Sections 12 r/w 13(1)(c) and 13(1)(d) of Prevention of Corruption Act, 1988, he ought to have also acquitted A2 under Section 218 IPC. Since the main offence itself is not made out against her, her alleged knowledge to save the person from legal punishment is ruled out.

13. Per contra, the learned Additional Public Prosecutor would submit that cheque Ex.P5 and the counter filed would clearly show that on 20.09.2002, from the 3rd installment, all arrears towards principal, penal interest and interest were deducted. As on that date (20.09.2002) there was no due payable by PW-2 to the Society. For the two installments, interest had been recovered from the third instalment of Rs.45,000/- after deducting the interest, penal interest and commission charge, a sum of Rs.36,650/- was alone issued. The counterfoil, which is marked as Ex.P7 clearly indicates the amount deducted from the third instalment towards principal, interest, penal interest and charge for preparation of cheque. Therefore, the explanation attempted to be given by A1 and A2 to make believe, as if the bribe amount of Rs.2,000/- was collected towards instalment is falsified by the records maintained by the Society. Further, the entries made in the ledger and later, scored off by A2 immediately on

arrival of trap team is the conduct under Section 8 of Indian Evidence Act and relevant. Having admitted the receipt of Rs.2000/- from PW-2 on 20.09.2002, it is the burden of the accused person to prove that they received the money towards discharge of loan account. Since the accused have failed to give satisfactory explanation for the receipt of money from PW-2, so in view of Section 20 of the Prevention of Corruption Act, 1988, the accused has guilty and trial Court finding is sustainable and need no interference.

14. Point for consideration:

> Whether the explanation offered by the accused for possession of tainted money Rs.2,000/- passes through the test of preponderance of probability?

15. The testimony of PW-2 and PW-3, in the light of the complaint marked as Ex.P2, indicate that A1 being the Secretary of Palace Nagar Co-operative House Building Society, Tharamangalam branch, on 20.09.2002 at about 15.55 hours demanded and received Rs.2000/- from PW-2. As per the complaint marked as Ex.P2 and the testimony of PW-2 would indicate that the previous demands of bribe by A1 was nearly 1 ½ months before the date of trap, 1 week before the date of trap on 16.09.2002 and

19.09.2002. As per the previous demands are concerned, PW-2 alone speaks about the demand. However, in respect of the demand of illegal gratification by A1 on 20.09.2002 is spoken by both PW-2, the defacto complainant and PW-3 Ashok Kumar, the accompanying witness. The present of PW-3 at the time of demand and acceptance of bribe is doubted by the appellant, since he has deposed that after receiving the bribe, the first accused took out the cheque Ex.P5 from the cheque book and handed over to the defacto complainant and immediately retracted that he is not aware from where the cheque leaf was taken out, whether from the cheque book or whether the accused was having it separately. Whereas, PW-2 had stated that A1, after receiving the bribe money, took out the cheque [Ex.P5] from his pocket and gave it to his father Chinnathambi.

16. The learned counsel appearing for the appellant/A1 pointed out that pre-arranged signal to the trap team was given by PW-2 as per evidence of trap laying officer [PW-11]. Whereas, PW-3 has deposed that he gave the pre-arranged signal. These sort of minor discrepancies are not only the inherent contradiction of the individual witness also contradiction between two witnesses about the same fact.

17. When the factum of receiving money from PW-2 is admitted by

both A1 and A2, the prosecution has to show only whether the money was received as illegal gratification on demand or otherwise. For that purpose, the explanation of the accused is relevant and the trap laying officer is supposed to record the explanation under Rule 47 of the Directorate of Vigilance and Anti-Corruption Manual.

18. In this case, though no separate explanation has been obtained from the accused person, the mahazar [Ex.P17] which was drawn immediately after seizure and being a contemporaneous document, which indicates that A2 has given an explanation to the trap laying officer that out of fear, she has made some entries and corrections in the ledger to co-relate with the receipt of Rs.2,000/- prepared in the name of Chinnathambi. It is also seen from Ex.P17 that when A2 was enquired about the tainted money, she has told the trap laying office that she received the tainted money from A1 Secretary (Chandrasekaran) and kept it in her drawer and prepared the receipt in the name of Thiru.Chinnathambi towards the loan instalment.

19. As far as the facts of this case is concerned, while the case of the prosecution is that, A1 received illegal gratification of Rs.2,000/- and to save him from prosecution, A2 has created the receipt [Ex.P15] and made

false entry in loan register (Page 38) which is marked as Ex.P16. The defence case is that Chinnaponnu tendered a sum of Rs.2,000/- on behalf of his father Chinnathambi for payment of loan amount and that was received on 20.09.2002 at about 13.55 hours. Since the receipt of money is admitted, the only point, which needs scrutiny, is whether Ex.P15 receipt and entries made in Ex.P16 were done, pursuant to the money paid towards loan interest as pleaded by the defence or an incorrect record written by A2 with intention to save the person (A1) from punishment as charged and hold to be proved.

20. According to the trap laying officer [PW-11], the defacto complainant, his father, official witnesses and the trap team left the vigilance office at Salem to Tharamangalm, at 3.00 p.m., on 20.09.2002. According to PW-2, he and PW-3 reached Tharamangalam Branch of Place Nagar Co-operative House Building Society at 3.45 p.m. and went to the A1's office located at first floor of the building. This timing is corroborated by PW-3. According to PW-11, PW-2 and PW-3 came out from the office of A1 at 4.00 p.m. The trap team where hiding themselves near the office got the pre-arranged signal from PW-2. The mahazar [Ex.P17], which is the contemporaneous document indicates that, at 4.05 p.m., the trap team entered the room of the accused. On identifying the accused by PW2 and

PW-3, the trap team started interrogation. The trap laying officer instructed A1 and A2 to sit in their respective seats and took them under his control. So, according to the prosecution, the sequence of events should be, the money received by A1 and given to A2 was kept in the drawer of A2. Then, A2 had prepared the receipt [Ex.P15] and also made entries [Ex.P17]. This should have happened before the trap team could enter the room of A1, Since the trap team had taken the accused under their control soon after they entered the offence.

21. If money of Rs.2,000/- was received as illegal gratification, there is no necessity for A2 to prepare the receipt [Ex.P15] or necessity for her to make any entry in the ledger marked as Ex.P16. Unless and until there was sufficient time between the entry of the trap team to the room of A1 and the team taking control of A2, there is no possibility for A2 to prepare receipt as well as to make corresponding entry in the ledger. The specific case of the prosecution is that immediately after their entry, they asked both A1 and A2 to sit to their seat and they commenced the trap proceedings. It is not the case of the prosecution that, Ex.P-15 receipt and Ex.P16 entries were made by A2 during the trap proceedings.

22. Section 218 of Indian Penal Code reads as under:-

> "**218. Public Servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture:**-Whoever, being a public servant, and being as such public servant, charged with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be incorrect, with intent to cause, or knowing it to be likely that he will thereby cause, loss or injury to the public or to any person, or with intent thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or other charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both."

23. From the final report and charge framed in this case, in order to sustain the conviction under Section 218 of Indian Penal Code, the pre-requisites mentioned in the Section are the public servant must be incharge of the record, the entries must be incorrect and also he should have made the incorrect entry with the intention to cause or likely to cause loss or injury to the public or to any person, or with intent thereby to save any person from legal punishment. As far as the case of the prosecution is that, the said entries are incorrect and intended to save

A1(Chandrasekaran) from legal punishment. The intention to save A1(Chandrasekaran) from legal punishment could have occurred to A2 only if she had prior knowledge of the trap proceedings. From the narration of the facts made by the prosecution witnesses, it is highly doubtful, whether A2 had prior knowledge of the trap proceedings and not possible to make the entries after the entry of the trap team and in their presence. In such circumstances, the pre-requisites to sustain conviction under Section 218 of Indian Penal Code is not satisfied.

24. In fact, one of the ingredients for Section 218 of Indian Penal Code, namely incorrect entry made in the records also has not been properly established by the prosecution. None of the prosecution witness had deposed that A2 made the questionable entries (in the ledger) with knowledge that, the entries are incorrect. As pointed out earlier, according to the prosecution, these entries were made by A2(Mohana), after receiving the tainted money from A1 and before the trap team entered the office of A1. It is not the case of the prosecution that, she had made entries, after the trap team entered the office of A1. This could also not be a plausible action since consistently PW-2, PW-3 and PW-11 had deposed that as soon as they entered the office of A1, both the accused were asked to sit in their respective seats and were subjected to phenolphthalein test

immediately. While Ex.P15 receipt and Ex.P16 entry in the ledger book could not have been made, after the entry of trap team and also impossible to do so by A2, those entries cannot be construed as made to save A1 from the legal punishment.

25. To prove this entry is incorrect entry, mere issuance of the cheque towards third installment after deducting the arrears cannot be a proof by itself. Admittedly, PW-2 had deposed that he had not paid any money towards interest or instalment since 30.03.2002.

26. In the light of the above finding, the case of the prosecution as upheld by the trial Court that Rs.2,000/- received from PW-2 is an illegal gratification, requires interference.

27. The trial Court had heavily relied upon Section 20 of the Prevention of Corruption Act, 1988, which gives statutory presumption and illustration (a) of Section 114 of Indian Evidence Act, 1872. The trial Court has relying upon these two provisions to draw inference and to hold the accused guilty on the premises that the money recovered from A2[Mohana] is proved to be an illegal gratification, demanded and received by A1. The trial Court has failed to note that recovery of

Rs.2,000/- from PW-2 is not at all denied by the accused. While so, the explanation given by them and the receipt Ex.P15 and entry made in Ex.P16 are relevant. Unless those documents are proved to be false and incorrect, neither the statutory presumption under Section 20 of the Prevention of Corruption Act, 1988, nor the general presumption. Illustrated in Section 114 of Indian Evidence Act, gets attracted. In fact, illustration (a) to Section 114 of Indian Evidence Act, 1872 has no relevance at all to the facts in issue.

28. Therefore, this Court holds that the finding of the trial Court in respect of Charges 1 and 2 under Section 7 and 13(2) r/w 13 (1)(d) of Prevention of Corruption Act, 1988 framed against A1(Chandrasekaran) for the alleged demand and acceptance of bribe of Rs.2,000/- is erroneous and it is liable to be set aside. Hence, A1(Chandrasekaran) is acquitted of charges under Sections 7, 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988. Similarly, the trial Court has erroneously convicted her under Section 218 of Indian Penal Code, though the trial Court has rightly acquitted the second accused for offence under Section 12 r/w 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988, the trial Court has erroneously convicted her under Section 218 of Indian Penal Code. Since the ingredients of Section 218 of Indian Penal Code has not

been proved against the 2nd accused, A2(Mohana) is acquitted under Section 218 of Indian Penal Code.

29. While interfering the judgment of the trial Court to the above said extent, this Court finds that the conviction and sentence against A1 for the offence under Sections 13(2) r/w 13(1)(c) of the Prevention of Corruption Act in respect of misappropriation of fund to the tune of Rs.15,416/-is proved by the prosecution through the evidence of PW-7 and Ex.P20. From the evidence of PW-7, it is proved beyond doubt that A1 as Secretary of the Palace Nagar Co-operative House Building Society, Tharamangalam Branch is the custodian of the cash received on behalf of the Society. On the day of the trap, though the cash book (chitta Ex.P20) indicates that the cash balance is Rs.36,316/-, but only Rs.20,900/- was available and A1 (Chandrasekaran) had no explanation to offer for the shortage of Rs.15,416/-. Except the explanation by way of an argument that the cash collected can be remitted on the next day, there is no other explanation. It is not an issue, when the cash to be remitted, but, it is the existence of the cash at the time of verification alone. When shortage of Rs.15,416/- is proved, the ingredient of misappropriation gets fully satisfied. Therefore, A1(Chandrasekaran) is liable to be punished for the

offence under Section 13(1)(c) r/w 13(2) of the Prevention of Corruption. The trial Court has rightly held that A1 has misappropriated the money entrusted to him and therefore, the conviction and sentence imposed on him for the said offence is confirmed, subject to the modification regarding period of sentence being reduced into one year instead of two years.

30. In the result, **Crl.A.No.60 of 2015 is allowed**. The conviction and sentence made in Spl.C.C.No.34 of 2014 on the file of the Special Judge(Special Court for Trial of Cases under the Prevention of Corruption Act), Salem, dated 13.01.2015 against A2(Mohana) is hereby set aside. The fine amount of Rs.2,500/- paid the appellant/Mohana(A2) in Crl.A.No.60 of 2015 shall be refunded to her. Bail bond if any executed by her is ordered to be cancelled.

31. In the result, **Crl.A.No.62 of 2015 is partly allowed**. The conviction and sentence for the offence under Sections 7 and 13(2) r/w 13(1)(d)of the Prevention of Corruption Act, 1988 against A1(Chandrasekaran) are set aside. The appellant Chandrasekaran(A1) is acquitted from those charges. The conviction for the offence under Section 13(2) r/w 13(1)(c) of the prevention of Corruption Act, 1988 is hereby confirmed. The sentence is however modified as to undergo **one**

year Simple Imprisonment instead of 2 years Simple Imprisonment. No change in the fine amount and default sentence. The period of detention already undergone by the accused is ordered to be set off under Section 428 Cr.P.C. Time to surrender before the trial Court to undergo the remaining period of sentence is one month from the date of this judgment.

26.04.2018

Index:yes/no
Internet:yes/no
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To
1.The Special Judge(Special judge for Trial of Cases under the Prevention of Corruption Act), Salem.
2.The Inspector of Police,Vigilance and Anti-Corruption, Salem.
3.The Additional Public Prosecutor, High Court, Madras.

Dr.G.Jayachandran,J.

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Pre-delivery judgment made in
Criminal Appeal Nos.60 & 62 of 2015

26.04.2018