Bail Slip

The Petitioner/Accused Viz., A.Maadhuraju S/o C.Athiyanna Chetty was released on bail, vide order of this Hon'ble Court, dated 10.02.2009 made in M.P.No.1/2009 in Crl.A.No.65/2009.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 22.10.2019
Pronounced on : 11.03.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.A.No.65 of 2009
and
CRL.M.P.No.1 of 2010

A.Maadhuraju ... Appellant

Vs.

The State, rep. by Inspector of Police,
Vigilance and Anti Corruption Dept.,
City-II Detachment 18,
1st Canal Cross Road,
Gandhi Road, Adyar,
Chennai-600 020. ... Respondent

PRAYER: Criminal Appeal filed under Section 374 of the Code of Criminal Procedure, as against the Judgment of conviction and sentence imposed by the learned Special Judge for Prevention of Corruption Act Cases, (III Additional Special Judge), Chennai dated 09.01.2009 made in C.C.No.14 of 2007.

For Appellant : Mr.Senthilmurugan for Mr.G.Prassanna

For Respondent : Mrs.M.Prabhavathy, Additional Public Prosecutor

JUDGMENT

This Criminal Appeal arises out of the conviction and sentence imposed by the learned Special Judge for Prevention of Corruption Act Cases, (III Additional Special Judge), Chennai in C.C.No.14 of 2007, dated 09.01.2009, wherein the appellant was tried for the offence punishable under Sections 7 and Section 13 (2) r/w Section 13(1)(d) of the Prevention of Corruption Act, 1988. The learned trial Judge convicted the appellant for offence under Section 7 of Prevention of Corruption Act, 1988 and sentenced him to undergo one year rigorous imprisonment and to pay a fine of Rs.2,000/- in default, to undergo 2 months simple imprisonment and for the offence under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, the appellant was sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.3,000/- in default, to undergo two months simple imprisonment. The sentences were ordered to run concurrently.

2.The background facts, as projected by the prosecution are as follows:

2.1.The defacto complainant/PW1 viz., M.P.Murugesan @ Annai Murugesan was running a Security Service Agency and he was the Proprietor of M/s.Annai Therasa Driving School. One Udhayakumar and PW1 were friends. The said Udhayakumar was working as Manager of S.J.Suryah, who is a Film Director-cum-Film Actor. A Santro Car bearing registration No.TN 02 F 6135 was owned by S.J.Suryah. The original Registration Certificate copy of the said vehicle was lost. Hence, S.J.Suryah was in need of a duplicate Registration Certificate copy and he had directed his Manager Udhayakumar to obtain duplicate Registration Certificate copy. The Manager/Udhayakumar had entrusted the work to PW1 on 05.10.2005. Both PW1 and Udhayakumar visited Regional Transport Office, Anna Nagar and submitted application for obtaining duplicate Registration Certificate for the said vehicle. On 07.10.2005, PW1 visited the office of Regional Transport Office and submitted the application. The same was assigned as file No.A2/65717/05, one Nagappan, Office Assistant directed them to meet the Motor Vehicle Inspector Madhava.

2.2.Further to it, PW1 met the Motor Vehicle Inspector, who demanded an illegal gratification of Rs.800/- for doing his official duty and returned the file No.A2/65717/05. Thereafter, PW1 visited Regional Transport Office and met the Motor Vehicle Inspector Madhava. On all occasions, the demand was persistent and consistent. PW1 not interested to pay the illegal gratification of Rs.800/- to obtain duplicate Registration Certificate, approached the respondent on 21.10.2005 and lodged a complaint. One Mohan, Assistant Commissioner of Police, directed PW3 to register a case and at about 11.30 a.m., an F.I.R in Crime No.15/Ac/2015/C.C.II against the appellant was registered, enlisted PW2 and one Karthikeyan from Commercial Tax Department as official witnesses, to conduct the trap. PW2 and Karthikeyan reached Vigilance Office and they were introduced to PW1 and PW1 explained the nature of the complaint. PW3 demonstrated and explained the importance of trap proceedings. PW1 produced denomination of one five hundred rupees note and three hundred rupees notes, which Karthikeyan was made to handle during the pre-trap proceedings.

2.3.After explaining, demonstrating the trap proceedings, an entrustment mahazar was prepared, PW1, PW2 and Karthikeyan (official witnesses), Trap Laying Team left the office of the Vigilance and Anti Corruption in Vehicle. On the way PW1 and PW2 had gone to the office of S.J.Surya, taken the Santro Car bearing Registration No.TN 02 F 6135 and from there they reached Anna Nagar, RTO office by 04.30 p.m. Thereafter PW1 and PW2 had gone to the first floor, met the appellant, at that time the appellant asked the file No.A2/65717/05 and demanded the bribe amount of Rs.800/-, PW1 gave the file and money, the appellant counted the same and kept in his left side pant pocket and thereafter, the appellant, PW1 and PW2 gone down and the appellant inspected the vehicle, noted down the chassis number and engine number and informed that the duplicate certificate would be processed soon. Thereafter, PW1 and PW2 came down, as decided earlier, pre-arranged signal was given. The trap team entered into the office of the appellant enquired PW1 and PW2. PW1 stated about the happenings and identified the appellant and PW1 was asked to leave the place and the appellant was enquired and phenolphthalein test was conducted on the hands as well as the left side pant pocket and it turned pink in colour. When enquired about the trap amount, the appellant stated that he has dropped it in the dustbin and he produced the trap amount along with Rs.300/-, totally Rs.1,100/-. The appellant was caught red handed.

2.4.On verifying the currency number in the entrustment mahazar [Ex.P8], which tallied, recovery proceedings were recorded by way of recovery mahazar [Ex.P10]. Further investigation was handed over to PW11. PW11 continued his investigation and thereafter. On his transfer, PW13 completed the investigation and filed the charge sheet. The case was tried against the appellant in C.C.No.14 of 2007 by the Special Judge for Prevention of Corruption Act Cases, (III Additional Special Judge), Chennai.

3.Before trial Court, the prosecution examined 13 witnesses, marked 25 exhibits and seized 3 material objects. On the side of the defense, 3 witnesses examined and 7 exhibits marked.

4.On conclusion of the trial, the learned trial Judge put the incriminating materials to the appellant under Section 313 Cr.P.C., the appellants denied the same. Upon appreciating the evidence, the trial Court found the appellant guilty and convicted him as stated above. As against the conviction and the sentence, appeal is filed.

5.The learned counsel for the appellant submitted that PW1 claims to be the friend of Udhayakumar, who was the Manager of

S.J.Surya submitted an application [Ex.P1] for duplicate copy of Registration Certificate for Santro Car TN O2 F 6135. This application was submitted on the strength of Authorization letter/Ex.P4 given by S.J.Surya. It is admitted that when the application was submitted, authorization letter was not signed. Further, file No.A2/65717/05 was assigned for the application [Ex.P1] and the said file [Ex.P9] was forwarded to A.Madhava, Motor Vehicle Inspector, Grade-I and not to the appellant. On the relevant day the appellant was not assigned this job. It is admitted that from 07.05.2005 to 21.10.2005, the file was in the possession of PW1, which is not proper as per procedure. Further, Ex.P6 complaint, is made against Motor Vehicle Inspector Madavan, who was examined as PW8 and not against the appellant, since PW1 did not meet the appellant earlier and the appellant has not made any demand.

6.The learned counsel further submitted that on 21.10.2005, PW1 approached the appellant, submitted the application [Ex.P1] along with trap money, the demand of the appellant is unbelievable. The appellant on receipt of the application, he along with PW1, PW2 had inspected the Santro car traced out Chassis number and Engine number and came back to his seat. By the time, PW1 and PW2 is said to have given a signal and the trap team had questioned the appellant for receipt of trap money and phenolphthalein test was conducted on his both hands as well as the left side pant pocket of the appellant. Thereafter, Rs.1,100/- is said to have been recovered from the dustbin. PW1 states that he and PW2 accompanied the appellant when the car was inspected and on the other hand, PW2 the accompanying witness stated that PW1 and PW2 were waiting in the first floor and it was the appellant who had gone down alone and inspected the vehicle, which is a vital contradiction between PW1 and PW2. Hence, the presence of the PW2 is highly doubtful. According to the prosecution, the trap amount was only Rs.800/- and the amount recovered from the dustbin is Rs.1,100/-. The explanation of the appellant is that the trap amount was thrusted into his hands, which was warded off and thrown into dustbin. The appellant took his Kerchief wiped his face and during enquiry, the appellant handed over to PW3 and that is that reason, both his hands and left side pant pocket turned positive. Thus the appellant had given a plausible explanation.

7.The learned counsel for the appellant further submitted that the complaint was given only against Madhava, Motor Vehicle Inspector and not against the appellant, since the appellant had not made any demand. The appellant on the day was present in the office, received the file and conducted inspection of the vehicle. PW1 had forcibly thrusted the money to the appellant. As could be seen from the evidence of PW3, who had specifically instructed PW1 that the bribe money should not be forcibly thrusted on the appellant. Further, the appellant had never met PW1 prior to 21.10.2005, that is the reason in complaint [Ex.P6], the appellant name is not mentioned. PW1 has got chequered with bad antecedents, bulldozing the officials, giving false complaint against them, creating false documents, committing forgery. PW1 is an unbelievable person who has got criminal antecedents, which is proved by DW2 and DW3. DW2, the Sub Inspector of Police of MGR Nagar R10 Police Station through whom Ex.D3, the compliance of PW1 for conditional bail has been marked. PW1 had obtained an anticipatory bail in Crl.O.P.No.23153, dated 13.08.2006 and further, as per Ex.D5, it is proved that driving school license has been cancelled. PW1 was in the habit of giving false complaint against the officials of Transport Department and to keep them under his hook. PW1 was convicted by the State Human Rights Commission, Chennai in S.H.R.C.Case.No.9322/2003/SS, dated 09.11.2005 and the same was marked as Ex.D6. In compliance to the order of State Human Rights Commission, PW1 had paid fine amount. Further, PW1 had prepared forged documents as though it has been issued by the officials of the Transport Department and the same is marked as Ex.D7.

8.The learned counsel for the appellant further submitted that on perusal of the order of the State Human Rights Commission [Ex.D6], it is seen that PW1 is in the habit of giving false complaint. On an earlier occasion on 29.10.2003 a similar complaint was lodged by him against one Nagarajan, Motor Vehicle Inspector. PW1 was in the habit of being aggressive, boisterous and nuisance creator not only against the officials of the Transport Department, but also against the public who came to the office of RTO for obtaining and renewal of license and for which a case has been registered against PW1 under Section 75 of the City Police Act. All these things have happened prior to the trap. PW1 is an untrustworthy motivated witness and the sin quo non of the demand of bribe amount has not been made and proved. Further contended that the appellant was not assigned with the work on 05.10.2005 when the application was made and on such day he was not forwarded the application [Ex.P1]. The presence of PW2 is highly doubtful since on materials aspects contradict the evidence of PW1.

9.He further contended that non examination of one Rajendran, who prepared the note file No.A2/65717/2005 [Ex.P9] coupled with the fact that on 07.10.2005 when the application was processed, the appellant was not allotted the work as per Ex.P13. The trap money was not recovered from the appellant in person. The appellant gave a detailed explanation with regard to the trap money being thrusted on him by PW1 and the version of PW1, PW2 and PW3 are contrary. All these aspects were not considered by the lower Court.

10.DW1/Natarajan is the another Motor Vehicle Inspector, who was present when the trap had taken place, his presence was admitted by PW1, PW2 as well as PW5. DW1 categorically stated that there was no demand or receipt of money by the appellant. By examining DW3 and DW4, dubious character and conduct of PW1 had been proved. In this case, the owner of Santro Car S.J.Surya, his Manager Udayakumar, who entrusted the work to PW1, one Rajendran and Nagappan, Office Assistant in the RDO office, who dealt with the file, Mohan, Deputy Superintendent of Police, who received the complaint were not been examined as witness and the prosecution, failed to prove the case beyond reasonable doubt

11.In order to substantiate the arguments, the learned counsel for the petitioner relied upon the following citations:-

1.Sudalaiyandi Versus State represented by the Inspector of Police reported in 2007-1-L.W.(Crl.) 280, in which it is held that "on mere presence of the accused at the scene and at the time of occurrence is itself not sufficient to prove the guilt."

2.State of Maharashtra Versus Dnyaneshwar Laxman Rao Wankhede reported in (2009) 15 Supreme Court Cases 200, in which it is held that "even while invoking the provision of Section 20 of the Prevention of Corruption Act, the Court is required to consider the explanation offered by the accused, if any, only on the touchstone of preponderance of probability and not on the touchstone of proof beyond all reasonable doubt". Further held that "even in case where burden is on the accused, prosecution must prove the foundational facts".

3.State of Inspector of Police, Vigilance and Anti Corruption, Tiruchirapalli Versus Magalingam in Crl.A.No.217 of 2004, in which "it is held that the accompany witness being a government servant is not supposed to associate himself with the raiding party, unless he gets proper permission from his superiors. In the present case, there is no evidence to show that official witness participated in the trap only on the instruction of his superior, it cannot be said with certainty that he is an disinterested witness."

4.Masilamani Versus The State in Crl.A(MD).No.619 of 2005 in which it is held that along with the phenolphthalein coated currency notes, other currency notes were also found in the possession of the appellant, where from those currency notes were taken out has not been elaborated.

5.Kaliya Versus State of Madhya Pradesh reported in (2013) 10 Supreme Court Cases 758, in which it is held that "mere marking of exhibits does not dispensed with its proof, which is otherwise required to be done in accordance with law.”

6.A.Krishnamoorthy Versus State by Inspector of Police, Vigilance and Anti Corruption, Cuddalore in Crl.A.Nos.313 and 314 of 2014, in which it is held that only based on the written requisition the trap witnesses were permitted to participate in the trap proceedings, but no materials to indicate any letter or memo was sent from Vigilance and Anti Corruption Office to the office of the official trap witnesses.

7.D.Rajsekar Versus the State Represented by the Additional Superintendent of Police, SPE/CBI/ACB/Chennai in Crl.A.No.109 of 2014, in which it is held that evidence of a trap witness must be tested like the evidence of any other interested witnesses, placing reliance on principle laid down by the apex Court in Ram Baksh Arora V State of Punjab, (1972 3 SCC 652).

8.K.A.Pachaiyappan Versus State rep. By, the Superintendent of Police, Vigilance and Anti Corruption, Chennai in Crl.A.No.527 and 532 of 2014, in which it is held that for delay in lodging the complaint is fatal to the prosecution. Further, it is pointed out that as per vigilance manual, the vigilance officer has to record the statement of accused immediately after his arrest. In this case, the demand is said to have been made on 07.10.2005, but the complaint was lodged only on 21.05.2005.

9.S.Umaidurai Versus the State rep. By the Deputy Superintendent of Police, Vigilance and Anti Corruption Department, Villupuram in C.A.No.487 of 2014, in which it is held that the explanation given by the accused during the trap is not before the Court, the facts elicited during cross examination of trap witness is to be construed as explanation of the accused person for receiving the money.

10.Mohanmeda Bee Versus The Inspector of Police, Vigilance and Anti Corruption, Villupuram in Crl.A.No.190 of 2012, in which it is held that mere recovery of tainted money is not sufficient to draw inference of Section 20 of the Prevention of Corruption Act.

11.Kasinathan Versus State represented by the Inspector of Police, CBI/ACB/Chennai in Crl.A.No.37 of 2012, in which it is held that suspicion, however grave cannot take the place of proof and the prosecution cannot afford to rest its case in the realm of "may be" true but has to upgrade it in the domain of "must be" true in order to steer clean of any possible surmise or conjecture.

12.The learned Additional Public Prosecutor appearing for the respondent submitted that the case came to be registered on the complaint given by PW1, who filed an application for issuance of duplicate Registration Certificate for Santro Car of S.J.Surya, who had given authorization [Ex.P4] for the same. The application submitted to Regional Transport Office is Ex.P1, for which a file No.A2/65717/2005 [Ex.P9] on 07.10.2005 was assigned and thereafter, PW1 was directed to approach the appellant. The appellant demanded Rs.800/- as bribe money for issuance of duplicate Registration Certificate, PW1 had approached Regional Transport Office office on several occasions and the illegal demand was consistent. PW1 not willing to give the bribe amount of Rs.800/-, on 21.10.2005 lodged a complaint [Ex.P6] and thereafter PW3, Trap Laying Officer enquired and registered a case in Crime No.15/AC/2005/CC-II [Ex.P11] and enlisted the service of two witnesses viz., PW2 and one Karthikeyan, PW3 explained the importance of pre-trap proceedings and the Entrustment Mahazar [Ex.P8] has been prepared and thereafter, the trap team proceeded to the Office of RTO, North West, Chennai, where the appellant was working. PW1 and PW2 had approached the appellant along with the file [Ex.P9], the appellant demanded the bribe amount, which was handed over to him along with the file. The appellant received the cash by his right hand, transferred to left hand and kept in his left side pant pocket and thereafter, the appellant along with PW1 and PW2 had gone down inspected the Santro Car, traced engine and chassis numbers and thereafter, the appellant came back to his seat asked PW1 and PW2 wait. In the meanwhile, he processed the file. As instructed earlier, PW1 came down and gave the pre-arranged signal. PW3 along with trap team entered into the office of the appellant. PW1 and PW2 narrated the events, thereafter PW1 was asked to go, the appellant was enquired and he became nervous thereafter, the phenolphthalein test was conducted on both right and left hand and on the pant pocket which turned pink in colour. Thereafter, the appellant was enquired about the trap amount of Rs.800/-, the appellant stated that he had dropped the amount into the dustbin, produced the same along with Rs.300/-, totally Rs.1,100/-. MO1 and MO2 are the trap amount of Rs.800/-. MO3 is the seized pant. MO4 is the additional amount of Rs.300/-. MO5 to MO7 are the hand wash and pant wash of the appellant. MO5 to MO7 were sent to forensic examination. PW9 conducted forensic examination and gave report Ex.P23. Thereafter, the investigation was handed over to PW11, who took up the investigation, examined the witnesses, collected the documents and on his transfer, PW13 conducted further investigation, after getting sanction order Ex.P24 from PW12, charge sheet came to be filed. During the trial, PW1 to PW13 were examined and Ex.P1 to Ex.P25 and MO1 to MO7 were marked on the side of prosecution. On the side of the defence, DW1 to DW3 were examined and marked Ex.D1 to Ex.D7.

13.The judgment of the lower Court is a well analysed one, considering the evidences in detail and given a finding of conviction. He further submitted that the trial Court after considering the evidences and materials had rightly convicted the appellant as stated above, which need not be interfered with and prayed for dismissal of the appeal.

14.In order to substantiate the arguments, the learned Additional Public Prosecutor relied upon the following citations of the Hon'ble Apex Court:-

1.T.Shankar Prasad Versus State of Andhra Pradesh in Appeal (Crl.) 909 of 1997, in which it is held that "when it is shown that he has received a certain sum of money which was not a legal remuneration, then, the condition prescribed by Section 20 of the PC Act, is satisfied and the presumption thereunder must be raised. When there is circumstantial evidence which is consistent with the guilt of the accused and not consistent with his innocence, there should be no difficulty in upholding the conviction."

2.Syed Ahmed Versus State of Karnataka in C.A.No.1323 of 2007, in which it is held that "discrepancy would be minor if it did not affect the substratum of the prosecution's case or impact on the core issue. In such an event, the minor discrepancy could be ignored."

15.This Court considered the rival submissions and perused the materials available on record.

16.In this case, PW1 clearly stated about the demand made by the appellant, lodging of the complaint, pre-trap proceedings on 21.10.2005, proceeding to the office of the appellant along with PW2, handing over the file [Ex.P9] along with the trap amount. Further, PW1 had categorically stated that the demand was made on 07.10.2005, which was persistent and he had went to RTO Office on several occasions between 07.10.2005 to 21.10.2005. Since the demand was persistent and he was not willing to give bribe he lodged a complaint on 21.10.2005. On the demand of the appellant, the bribe amount was handed over in the presence of PW2.

17.PW1 and PW2 categorically stated about handing over the file [Ex.P9] and trap amount to the appellant, who receiving the same in his right hand,transferred it to left hand and thereafter, kept it in his left pant pocket. After getting pre-arranged signal, PW3 immediately entered into the room of the appellant, enquired him and conducted phenolphthalein test on the right and left hand and on the left side pant pocket, collected wash MO5 to MO7, which turned pink. The presence of phenolphthalein powder and the Sodium Carbonate in MO5 to MO7 is proved by PW9 through the forensic report [Ex.P22]. Thus, without any time lag the demand of the appellant, receipt of bribe amount, recovery of the bribe amount from the appellant has been clearly proved by PW1, PW2 and PW3, confirmed by PW9 through his report [Ex.P22]. The appellant gave an explanation to dislodge the presumption under Section 20 of the Prevention of Corruption, 1988 as though the trap money was thursted on him by PW1, which he warded off, in the anxiety he had taken his kerchief to wipe his face and that is the reason washes of MO5 to MO7 tested positive.

18.The trap money of Rs.800/- along with Rs.300/- had been recovered from the dustbin and recovery mahazar [Ex.P10] was prepared in the scene of occurrence and immediately, the happenings recorded in detail. The other contention of the learned counsel for the appellant is that the appellant had not demanded any money and for which he had examined DW1. PW1, PW2 and PW5 admitted the presence of DW1. Thus, the presence of PW1 and PW2 is admitted and the money has been recovered at the instance of the appellant. The other contention is that on 07.10.2005 the appellant was not entrusted the work of issuance of the duplicate Registration Certificate. On the contrary the appellant does not deny that he had not dealt with the file [Ex.P9]. PW5, PW7, PW8 and PW10 have categorically stated that Ex.P9 was processed by the appellant.

19.PW5 stated that on 21.10.2005, the appellant had asked for 'B' Register pertaining to the vehicle bearing No.TN 02 F 6135 Santro Car, to verify the engine and chassis number. PW7 handed over the office order [Ex.P20] file pertaining to Santro Car to PW10. PW8/V.Madhavan, who on the day of trap was assigned other work and he was not present in the office and it was the appellant, who had dealt with the file, inspected the vehicle and confirmed through Ex.P21. No point of time PW8 had proceeded or carried out any work with Santro Car Tamil Nadu 02 F 6135 and it was only the appellant A.Madhuraj, who processed the file. PW10/Superintendent of Regional Transport Officer office confirmed about the maintenance of 'B' register and he was aware of the file and procedures with unequal terms, he confirmed that it was the appellant who was entrusted with the work and inspected the Santro Car.

20.Hence, it was the appellant who was entrusted with the work of issuance of the duplicate Registration Certificate for Santro Car TN 02 F 6135. PW1 and PW2 confirms the identity of the appellant that he was the person who received the file and trap money and inspected the vehicle. Further, the recovery of trap money at the instance of the appellant has been confirmed by PW2 and PW3. The other contention is that PW1 was a motivated and tainted witness and he had given a complaint to implicate the appellant. On an earlier occasion PW1 had given similar complaint against one Nagarajan, Motor Vehicle Inspector. PW1 had produced forged certificate and had also created forged documents, for which action had been taken against him and his Driving School License has been cancelled. PW1 was indicted by the State Human Rights Commission. Further, Ex.D2 to Ex.D7 would prove the fact that PW1 is a tainted, motivated and unbelievable witness and his evidence cannot be acted upon. The lower Court had discussed all these aspects in detail and negatived the contention. As regards this case the fact of PW1 lodging the complaint, produced the file along with trap amount and thereafter, recovery of trap amount has been well corroborated by the evidence of official witness PW2 who had clearly stated about the appellant demand for the bribe amount and handing over of the bribe amount by PW1 and the same being received and kept in his left side pant pocket.

21.The lower Court on this contention had given a detailed and elaborate finding. Further, it is admitted that the appellant had dealt with the file pertaining to the Santro Car proved by PW4, PW6, PW8, PW10 and the appellant does not dispute the same. The appellant had inspected the Santro Car, took traces of the Engine and Chassis number and given a report.

22.Hence, this Court on reappraisal of the entire evidence and materials finds that there is not infirmity or perversity to interfere with the Judgment of the lower Court. On the other hand the lower Court had given a well reasoned and elaborate judgment which need not be interfered with.

23.In the result, the conviction of the trial Court made in C.C.No.14 of 2007, dated 09.01.2009 passed by the learned Special Judge for Prevention of Corruption Act Cases, (III Additional Special Judge), Chennai, is confirmed. On considering the facts and circumstances of this case this Court is of the view that the sentence of imprisonment for a period of one year for offence under Section 7 of the Prevention of Corruption Act, is confirmed and the sentence of imprisonment for a period of three years for offence under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 is modified to one year.

24.With the above modification, this Criminal Appeal stands dismissed. Hence, the Court below is directed to take appropriate steps to secure the appellant to undergo his remaining period of sentence. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Special Judge for Prevention of Corruption Act Cases,
(III Additional Special Judge),
Chennai.

2.The Inspector of Police,
Vigilance and Anti Corruption Dept.,
City-II Detachment 18,
1st Canal Cross Road,
Gandhi Road, Adyar,
Chennai-600 020.

3.The Public Prosecutor,
High Court, Madras.

Copy to

The Section Officer,
Criminal Section,
High Court, Madras-104.

Crl.A.No.65 of 2009

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srg 02/06/2020