



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

Tuesday, the Seventh day of January Two Thousand Twenty
PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

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CRL MP(MD) No.73 of 2020
IN
CRL A(MD) No.7 of 2020

M.PONRAJ

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY:
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
MADURAI DETACHMENT IN
CRIME NO.24 OF 2009

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner in Special Case No.77 of 2011, on the file of the Special Court for Trial of Prevention of Corruption Act Cases, Madurai by the judgment dated 16.12.2019, and enlarge the petitioner on bail pending disposal of Criminal Appeal in the interest of justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.C.MUTHUSARAVANAN, Advocate for the petitioner and of Mr.M.Chandrasekar, Additional Public Prosecutor for the Respondent, while admitting the Criminal Appeal, the court made the following order:-

The petitioner is an accused in Specil Case No.77 of 2011, on the file of the learned Special Judge for Trial of cases under Prevention of Corruption Act, Madurai, was found guilty by the trial Court convicted and sentenced as follows:

Penal Provision	Punishment
Section 7 of the Prevention of Corruption Act.	To undergo one year of rigorous imprisonment, and fine amount of Rs.1,000/- in default two months simple imprisonment.
Section 13 (2) r/w 13 (1) (d) of the Prevention of Corruption Act.	To undergo 1 year of rigorous imprisonment, and fine amount of Rs.1,000/- in default two months simple imprisonment.



2. The sentences of imprisonment was ordered to run concurrently. In order to suspend the sentence, the present Criminal Miscellaneous Petition in Crl.MP.(MD)No.73 of 2020 has been filed.

3. The case of the prosecution is that the petitioner/accused is Head Constable attached in Thirumangalam Town Police Station. The defacto complainant/P.W.2, who is a vegetable vendor used to Transport Boxes of Tomato in a mini lorry from Tirunelveli to Madurai Market. On 30.08.2009, the mini lorry had met with an accident and the driver of the mini lorry succumbed, for which a case in Crime No.554 of 2009 under Section 304(A) IPC came to be registered by the Thirumangalam Police.

4. Thereafter, for examination of mini lorry by the Motor Vehicle Inspector, the petitioner is said to have demanded a sum of Rs.3,000/- as bribe. Therefore, the defacto complainant lodged a complaint before the Vigilance and Anti-Corruption, Madurai. For which, a case has been registered in Crime No.24 of 2009 under Section 7 of Prevention of Corruption Act, 1988, following the procedures, the trap was set up on the same day. The defacto complainant/P.W.2 along with accompanied witnesses went in an Ambassador car to the Road Transport Office for examination of the vehicle, while returning in the Ambassador Car, the petitioner was said to have demanded the bribe amount and the money was handed over to him. Suddenly, the petitioner doubted the currencies, therefore, he returned the same to the defacto complainant. Thereafter, Phenolphthalein Test was carried on and proved.

5. The contention of the learned counsel for the petitioner is that the evidence of P.W.2, stated that the amount returned back to him by the appellant, but, P.W.3, in his evidence state that the money was thrown away by the appellant. According to the petitioner, the demand as well as recovery is not corroborated by P.W.2 and P.W.3. Further, the driver of the Ambassador Car, was not examined in this case. The recovery proceedings is also highly doubtful. P.W.11 /Inspector of Police had categorically stated that the woman Sub-Inspector name found in the FIR has to be arrayed as an accused and only at the instance of the TLO, then DLA her name was deleted.

6. Heard the learned Government Advocate (Criminal side) appearing for the respondent.

7. On perusal of the records including the grounds of appeal refers to certain arguable points involved in this case. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner / accused is ordered to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a period of one year to the satisfaction of the learned Special Judge for trial



of Prevention of Corruption Act cases, Madurai, and on further condition that the petitioner/ accused shall appear before the said Court at 10.30 a.m., on first working day of every month until further orders.

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sd/-
07/01/2020

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SPECIAL JUDGE FOR TRIAL OF CASES
UNDER PREVENTION OF CORRUPTION ACT,
MADURAI.

2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION, MADURAI

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.MUTHU SARAVANAN, Advocate (SR-427 dated 08/01/2020)

ORDER
IN
CRL MP(MD) No.73 of 2020
IN
CRL A(MD) No.7 of 2020
Date :07/01/2020

das
ES/PN/SAR 2/08.01.2020/3P/5C