



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

Thursday, the Twenty Third day of January Two Thousand Twenty

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL MP(MD) No.486 of 2020

IN

CRL A(MD) No.39 of 2020

T.RAJAKANNAN

... PETITIONER/APPELLANT/ACCUSED No.2

Vs

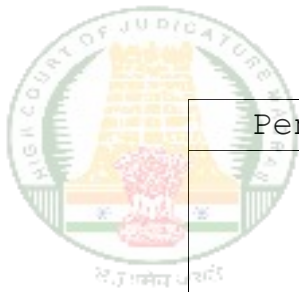
THE STATE REP.BY
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
TIRUNELVELI, TIRUNELVELI DISTRICT.
(CRIME NO.9 OF 2008)

... RESPONDENT/RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to pass an order to suspend the sentence as imposed on the Petitioner by means of a judgment dated 31.12.2019 made in Special Case No.59/2014 passed by the Hon'ble Special Court for Trial of cases Under Prevention Corruption Act, Tirunelveli District forthwith, pending disposal of the above Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.S.PALANIVELAYUTHAM, Advocate for the petitioner and of Mr.K.Suyambulinga Bharathi, Government Advocate(Criminal side) for the Respondent, while admitting the Criminal Appeal, the court made the following order:-

The petitioner/accused No.2 in Spl.Case No.59 of 2014, on the file of the Special Court for Trial of Cases under Prevention of Corruption Act, Tirunelveli, was found guilty by the trial Court convicted and sentenced as follows:



Penal Provision	Punishment
120 IPC	To undergo 3 years of Simple imprisonment and fine amount of Rs.5,000/- in default 6 months simple imprisonment.
477 A IPC	To undergo 3 years of Simple imprisonment and fine amount of Rs.5,000/- in default 6 months simple imprisonment.
13(2) r/w 13(1) (d) (iii) of Prevention of Corruption Act.	To undergo 3 years of Simple imprisonment and fine amount of Rs.10,000/- in default 6 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.486 of 2020 has been filed.

3. The case of the prosecution is that A1 was elected as president of Chithambarapuram, Yocobpuram Village. A2 was working as Assistant in Chithambarapuram, Yocobpuram Village panchayat from 19.11.1996 to 20.12.2008. In that circumstances, on 22.08.2006 through proceedings Lr.A7/3120/06, dated 22.08.2006, the District Collector sanctioned 130 domestic water tap connections to the village. Both A1 and A2 entered into a criminal conspiracy with a common object of cheating the applicants for water tap connection collected Rs.2,500/- to Rs.8,000/- from them, but brought Rs.1,000/- alone into the Panchayat accounts as deposits for the water tap connections and swindled the balance amount. Hence a case has been registered.

4. The learned counsel for the petitioner would submit that the A1 is the president of the panchayat and who is responsible for the alleged funds collected for the water tap connections. Since A1 passed away, the entire blame has been shifted on the petitioner. He is only a village panchayat assistant. There is no evidence available to show that the petitioner had collected any money and thereby misappropriated the same.

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

6. Considering the rival submissions made on either side, there seems to be arguable points in the case. Further the appeal is not likely to be taken up for final disposal in the immediate period. Further considering the fact that the Lower Court had already suspended the period of sentence till 24.01.2020, this Court is of the considered view that this petitioner / accused No.2 is also entitled for the relief of grant of suspension of sentence.



7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner / accused No.2 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 like sum to the satisfaction of the learned Special Judge for trial of Cases under Prevention of Corruption Act, Tirunelveli, and on further condition that the petitioner/ accused No.2 shall appear before the said Court at 10.30 a.m., on first working day of every month until further orders.

sd/-
23/01/2020

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/ /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 CORRUPTION ACT,
TIRUNELVELI DISTRICT.
- 2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION, TIRUNELVELI,
TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-1419 dated 24/01/2020)

ORDER
IN
CRL MP (MD) No.486 of 2020
IN
CRL A (MD) No.39 of 2020
Date :23/01/2020

DAS
ES/PN/SAR 3/24.01.2020/3P/5C