



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

Thursday, the Thirteenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL MP(MD) No.1017 of 2020
IN
CRL A(MD) No.61 of 2020

D.CHANDRA

... PETITIONER/ APPELLANT/
SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
NAGERCOIL, KANYAKUMARI DISTRICT.
(CRIME NO.10 OF 2006)

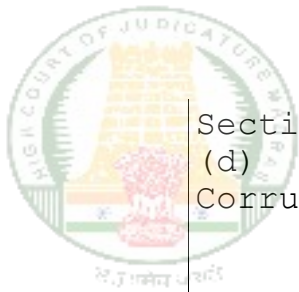
... RESPONDENT/ RESPONDENT/
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to pass an order suspending the sentence imposed on the appellant by the Hon'ble Special Judge / Chief Judicial Magistrate, Nagercoil, Kanyakumari District by means of the judgment dated 28.01.2020 made in Special Case No.1/2009, pending disposal of the above Appeal and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.PALANI VELAYUTHAM, Advocate for the petitioner and of Mr.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, While admitting the CRL.A., the court made the following order:-

The petitioner/ Sole Accused in Special Case No.01 of 2009, on the file of the learned Special Judge / Chief Judicial Magistrate, Nagercoil, Kanyakumari District, dated 28.01.2020, was found guilty by the trial Court convicted and sentenced as follows:

Penal Provision	Punishment
Section 7 of the Prevention of Corruption Act, 1988	To undergo four years rigorous imprisonment and to pay a fine amount of Rs.10,000/- in default to undergo one year simple imprisonment.



Section 13 (2) r/w 13 (1) (d) of the Prevention of Corruption Act, 1988	To undergo four years rigorous imprisonment, and to pay a fine amount of Rs.10,000/- in default to undergo one year simple imprisonment.
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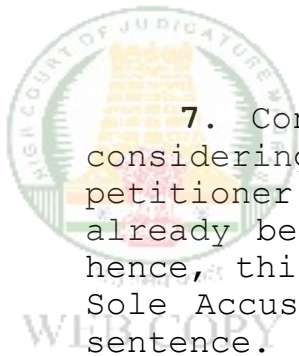
2. The sentence of imprisonment was ordered to run concurrently. In order to suspend the sentence, the present Criminal Miscellaneous Petition in Crl.MP.(MD)No.1017 of 2020 has been filed.

3. The case of the prosecution is that the petitioner who worked as a Village Administrative Officer, Painkulam Village, Vilavancode Taluk, Kanyakumari District, during the period from 11.08.1982 to 08.11.2006 was a Public Servant, within the ambit and purview of Section 2 (c) of the Prevention of Corruption Act. On 06.11.2006, at about 11.30 hrs, the petitioner demanded a sum of Rs.2,000/- as initial payment for the total bribe amount of Rs.20,000/- for submitting favourable remarks to the District Collector in connection with the permission for removal of hard rocks in a private land. On 08.11.2006, the accused received a sum of Rs.2,000/- and caught red handed.

4. The contention of the petitioner is that the petitioner is a disabled senior citizen and he is suffering from age related ailments, due to which, he needs somebody's support to attend to his day to day activities. He would further submit that the petitioner is a physically challenged person and he is unable to move around without anybody's help and due to his confinement, he faces lot of difficulty in carrying out his daily routine.

5. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner was working as a Village Administrative Officer, Painkulam Village, Vilavancode Taluk, Kanyakumari District from 11.08.1982 to 08.11.2006. On 08.11.2006, at about 12.10 hrs, the accused received a sum of Rs.2000/- as illegal gratification and committed the offences under Sections 7 of the Prevention of Corruption Act, 1988 and 13 (2) r/w 13 (1) (d) of the Prevention of Corruption Act, 1988. The trial Court, on a proper analysis of the evidence of the witnesses and documents, had rightly convicted the petitioner for the offence under Section 7 of the Prevention of Corruption Act, 1988, to undergo four years rigorous imprisonment and to pay a fine amount of Rs.10,000/- in default to undergo one year simple imprisonment and for the offence under Section 13 (2) r/w 13 (1) (d) of the Prevention of Corruption Act, 1988, to undergo four years rigorous imprisonment and to pay a fine amount of Rs.10,000/- in default to undergo one year simple imprisonment, which need not be suspended.

6. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.



7. Considering the rival submissions made on either side and considering the fact that the trial Court had convicted the petitioner and also considering the fact that the fine amount has already been paid by the petitioner and there are arguable points, hence, this Court is of the considered view that this petitioner / Sole Accused is entitled for the relief of grant of suspension of sentence.

8. Accordingly, the substantive sentence of imprisonment alone is suspended, granted bail pending disposal of the Criminal Appeal and the petitioner / sole Accused is ordered to be released 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 / Chief Judicial Magistrate, Nagercoil, Kanyakumari District and on further condition that the petitioner/ sole Accused shall appear before the said Court at 10.30 a.m., on the first working day of English calendar month until further orders.

sd/-
13/02/2020

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

TO

1. THE SPECIAL JUDGE,
CHIEF JUDICIAL MAGISTRATE, NAGERCOIL,
KANYAKUMARI DISTRICT.
2. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
NAGERCOIL, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-3076[I] dated 13/02/2020)

ORDER IN
CRL MP(MD) No.1017 of 2020
IN CRL A(MD) No.61 of 2020
Date :13/02/2020

MS/PN/SAR-3/13.02.2020/3P.6C

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