



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.1289 of 2020
IN CRL A(MD) No.72 of 2020

M.MURUGESAN

... PETITIONER/ APPELLANT

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION POLICE STATION,
TIRUNELVELI, TIRUNELVELI DISTRICT.
CRIME NO.02 OF 2011

... RESPONDENT/ COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the petitioner on bail by Suspending the sentence imposed upon me in Special Case No.60 of 2014 on the file of the learned Special Judge, Special Court or Trial of cases under prevention of Corruption Act, Tirunelveli, Tirunelveli District by judgment dated 30.01.2020 pending disposal of the main CRL.A.,

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

The petitioner/ Accused in Special Case No.60 of 2014, on the file of the learned Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act, Tirunelveli, Tirunelveli District, dated 30.01.2020, 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 one year simple imprisonment and to pay a fine amount of Rs.5,000/- in default to undergo six months simple imprisonment.
Section 13 (2) r/w 13 (1) (d) of the Prevention of Corruption Act, 1988	To undergo one year simple imprisonment and to pay a fine amount of Rs.5,000/- in default to undergo six months simple imprisonment.



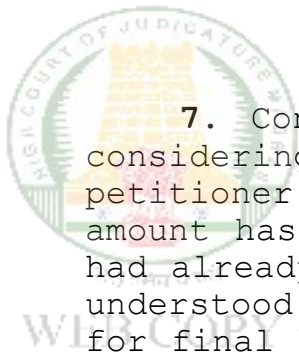
2. The sentence of imprisonment was ordered to run concurrently. In order to suspend the sentence, the present Criminal Miscellaneous Petition in Crl.MP.(MD)No.1289 of 2020 has been filed.

3. The case of the prosecution is that the petitioner, who worked as a Bill Collector / Revenue Assistant in Kadayanallur Municipal Office from 31.10.2000 to 14.11.2011, was a Public Servant under Section 2 (c) of the Prevention of Corruption Act. On 04.11.2011, the petitioner demanded Rs.1,000/- as illegal gratification from the *de facto* complainant for processing an application for name transfer of the *de facto* complainant's property. On 14.11.2011, the petitioner received the bribe amount of Rs.1000/- and committed offences punishable under Sections 7 and 13(2) r/w 13 (1) (d) of the Prevention of Corruption Act, 1988.

4. The contention of the petitioner is that the the alleged demand of petitioner was on 04.11.2011 and thereafter, the complaint was lodged only on 14.11.2011. There is no reason given for delay in lodging the complaint. Further, other than the evidence of P.W.2, there is no other corroborating material to prove the demand. P.W.3 does not corroborate P.W.2 with regard to the actual happenings. Further earlier to this complaint, P.W.2 had made an application, which was rejected for the reason that there was some discrepancy in the Door Number and hence, there was animosity between P.W.2 and the appellant. Hence, he has been falsely implicated in this case. Further, the job of the petitioner had been completed even before the complaint and the name has been transferred on 05.08.2011. That being the case, there is no reason for the petitioner to make any demand.

5. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner was working as a Bill Collector / Revenue Assistant in Kadayanallur Municipal Office. On 04.11.2011, at about 15 hours, the accused demanded a sum of Rs.1,000/- as bribe. On 14.11.2011, the petitioner received the bribe amount 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 one year simple imprisonment and to pay a fine amount of Rs.5,000/- in default to undergo six months simple imprisonment and for the offence under Section 13 (2) r/w 13 (1) (d) of the Prevention of Corruption Act, 1988, to undergo one year simple imprisonment and to pay a fine amount of Rs.5,000/- in default to undergo six months 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 there are arguable points and further, the fine amount has already been paid by the petitioner and the trial Court had already suspended the period of sentence till 25.02.2020, it is understood that it will take some time to take up Criminal Appeal for final hearing, hence, this Court is of the considered view that this petitioner / Accused is entitled for the relief of grant of suspension of sentence.

8. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the Criminal Appeal and the petitioner / sole 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 like sum to the satisfaction of the learned Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act, Tirunelveli, Tirunelveli 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,
SPECIAL COURT FOR TRIAL OF CASES UNDER
PREVENTION OF CORRUPTION ACT, TIRUNELVELI,
TIRUNELVELI DISTRICT.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION POLICE STATION,
TIRUNELVELI, TIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.A.THIRUVADI KUMAR Advocate SR.No.3072

ORDER IN
CRL MP(MD) No.1289 of 2020
IN
CRL A(MD) No.72 of 2020
Date :13/02/2020

MS/PN/SAR-3/13.02.2020/3P.5C

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