



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

Tuesday, the Eighteenth day of August Two Thousand Twenty

PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

CRL MP(MD) No.4024 of 2020  
IN  
CRL A(MD) No.261 of 2020

C.NALLAPERUMAL

... PETITIONER/APELLANT

Vs

THE STATE REP.BY  
THE DEPUTY SUPERINTENDENT OF POLICE,  
VIGILANCE AND ANTI-CORRUPTION,  
TIRUNELVELI.  
CRIME.NO.3 OF 2009

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed in Special Case No.50 of 2009 dated 22.07.2020 passed by the learned Special Court for Trial of Cases under Prevention of Corruption Act, Tirunelveli and enlarge the petitioner on bail pending disposal of main Criminal Appeal.

**Order :** This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.J.ANANDKUMAR, Advocate for the petitioner and of Mr.K.K.RAMAKRISHNAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal., the court made the following order:-

Crl.A.(MD)No.261 of 2020 is preferred against the conviction and sentence passed by the learned Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act, Tirunelveli, in Special Case No.50 of 2014 dated 22.07.2020, in and by which, the Trial Court has convicted the petitioner/accused No.1 as follows:

(i) under Section 7 of Prevention of Corruption Act, 1988, sentenced him to undergo simple imprisonment for two years and to pay a fine of Rs.5,000/-, with the default sentence of six months simple imprisonment;

(ii) under Section 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act, 1988, sentenced him to undergo simple imprisonment for two years and to pay a fine of Rs.5,000/-, with the default sentence of six months simple imprisonment.



The sentences of imprisonment were ordered to run concurrently. In order to suspend the sentence, the present Criminal Miscellaneous Petition in Crl.M.P.(MD)No.4024 of 2020 is filed.

2.The learned counsel for the petitioner/accused No.1 submitted that the case of the prosecution is that in order to send a favourable report for transfer of patta in the name of P.W.3-defacto complainant, the petitioner is said to have demanded a sum of Rs.500/- from P.W.3 on 08.04.2009. But, the alleged demand was not at all established by the prosecution. Therefore, the said allegation is totally false. Further, there was no corroboration to the evidence of P.W.3 with regard to the said demand on 08.04.2009. Therefore, the Judgment of conviction and sentence is unsustainable. Since there are arguable points in his favour, he prayed for allowing this petition.

3.The learned counsel appearing for the petitioner/accused No.1 further submitted that the petitioner/accused No.1 was tried along with accused No.2 in Special Case No.50 of 2009, where, the trial Court found both the accused guilty for the offence punishable under Sections 7 and 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act, 1988 and convicted and sentenced for the same. It is further submitted that this Court, vide order dated 07.08.2020, in Crl.M.P.(MD)No.3922 of 2020 in Crl.A.(MD)No.251 of 2020 suspended the sentence of the accused No.2. Therefore, the learned counsel prayed for suspension of sentence.

4.The learned Additional Public Prosecutor has objected this petition and submitted that there are enough materials available to prove the case of the prosecution. He further submitted that the points raised by the petitioner can be considered only at the time of hearing the main appeal.

5.Heard the learned counsel appearing for the petitioner/accused No.1 and the learned Additional Public Prosecutor appearing for the respondent / State.

6.The perusal of records including the grounds of appeal refers to certain arguable points involved in this case. However, there is no likelihood of listing the criminal appeal for final hearing in the near future. Considering the nature of the crime and the overall circumstances involved in this case, this Court is of the considered view that the petitioner/accused No.1 is 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.1 is ordered to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned



Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act, Tirunelveli, and on further condition that the petitioner / accused No.1 shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m., until further orders.

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sd/-  
18/08/2020

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

**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE SPECIAL JUDGE,  
SPECIAL COURT FOR TRIAL OF CASES UNDER  
PREVENTION OF CORRUPTION ACT, TIRUNELVELI.
- 2.THE DEPUTY SUPERINTENDENT OF POLICE,  
VIGILANCE AND ANTI-CORRUPTION,  
TIRUNELVELI.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL MP (MD) No.4024 of 2020  
IN  
CRL A (MD) No.261 of 2020  
Date :18/08/2020

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TK/PN/SAR.2/18.08.2020/3P/4C