

Crl.MP.No.8678 of 2020
in
Crl.A.No.532 of 2020

A.D.JAGADISH CHANDIRA, J.,

This petition has been filed to suspend the sentence dated 10.11.2020 made in Special Calendar Case No.30 of 2013 on the file of the Chief Judicial Magistrate, Thiruvarur, pending disposal of the above Criminal Appeal.

2. The appellant herein is the accused in Spl.C.C. No.30 of 2013 on the file of the Chief Judicial Magistrate, Thiruvarur. The Appellant was found guilty of the offences u/s.7, 13(2) read with 13(a) (d) of the Prevention of Corruption Act, 1988 and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	U/s.7 P.C Act, 1988	3 years R.I. and fine of Rs.1,000/- in default of fine to undergo S.I. for 3 months
2.	U/s.13(2) r/w 13(a) (d) of P.C, Act, 1988	3 years R.I. and fine of Rs.1,000/- in default of fine to undergo S.I. for 3 months
The sentences were ordered to run concurrently		

Aggrieved over the same, the petitioner has preferred this appeal and also filed the petition for suspension of sentence.

3. The case of the prosecution is that the defacto complainant G.Senthilkumar had applied for new E.B. service connection for his shop and newly constructed house. During 2011, the 1st accused/Anbalagan was working as Junior Engineer at the Office of J.E. TANGEDCO, Adambar and he had to receive inspection report from the 2nd accused/the petitioner herein for collecting the fees and for service connection. After completion of the formalities, on 26.12.2011 at about 4.30 p.m. the 1st accused made a spot inspection at the complainant house and demanded Rs.2,000/- as illegal gratification. When, the complainant had offered Rs.500/-, the 1st accused instructed him to give Rs.2,000/- at his office. On 03.01.2012 at about 10 a.m., the complainant met the 1st accused in his office room wherein, the 1st accused has reiterated his demand of Rs.2,000/- as illegal gratification and that the 2nd accused/the petitioner has demanded Rs.500/- as illegal gratification. Thereafter, on 04.01.2012 at about 10 a.m., the 1st accused again reiterated his demand and the complainant negotiated the amount to

Rs.1,500/- as illegal gratification and that the 2nd accused/the petitioner had reiterated his demand of Rs.500/- as illegal gratification. On 05.01.2012, between 9.30 a.m. and 10.10 a.m., at the office of the 1st accused, the 1st accused had demanded and accepted Rs.1,500/- as illegal gratification other than the legal remuneration from the complainant and that the 2nd accused/the petitioner demanded and accepted Rs.500/- as illegal gratification. Hence, the case. After the trial, the Court below found the accused/petitioner guilty and convicted and sentenced him u/s.7, 13(2) read with 13(a) (d) of the Prevention of Corruption Act, 1988 as stated above.

4. The learned counsel for the Appellant would submit that the trial Court had erroneously convicted the accused. He would submit that the Court below failed to see that PW-2 had enmity against the Appellant, since the Appellant had refused to support him for electricity connection due to the fact that the connection was asked without fulfilling the pre-requisite qualifications. Antagonized by the same, PW-2 has given a false complaint against the Appellant. The Court below also failed to see that PW-2 had applied for three phase connection without paying the connection fee until

trap proceedings. He would submit that the petitioner/appellant has surrendered before the Chief Judicial Magistrate, Thiruvarur on 18.01.2020 and he has been remanded to custody before the Sub Jail, Thiruthuraipoondi. He would submit that there are several arguable points and that the petitioner has got a good case for acquittal and would pray that the substantive sentence imposed against the petitioner may be suspended. He would also submit that the fine amount has been paid.

5. The learned Additional Public Prosecutor has raised objections for suspending the sentence.

6. Taking into consideration the submissions made by the learned counsels, the substantive sentence of imprisonment alone is suspended.

7. Hence, the sentence of imprisonment imposed on the petitioner/appellant by the trial Court alone is hereby suspended till the disposal of the appeal and the petitioner/appellant is ordered to be enlarged

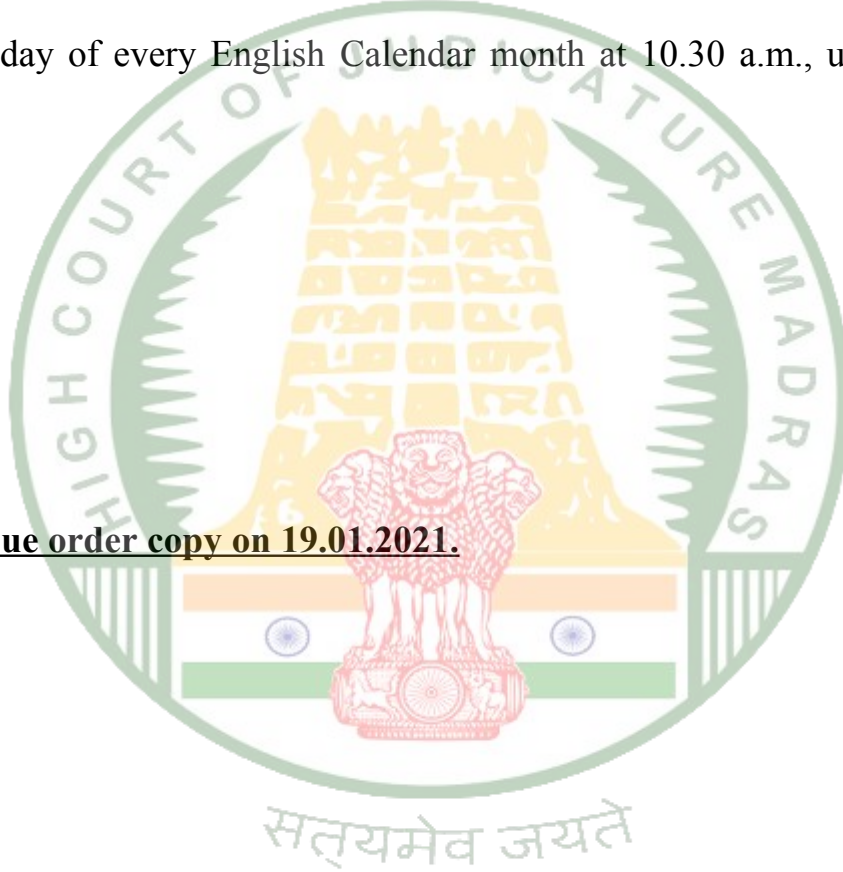
on bail on his executing a bond for Rs.25,000/- [Rupees Twenty five thousand only] with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Thiruvavarur, and on further condition that the petitioner/appellant shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

19.01.2021

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Note: Issue order copy on 19.01.2021.



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Ksa-2



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