



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Second day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.11528 of 2021

IN

CRL.A.No.534 of 2021

G.SRINIVASAN

... PETITIONER/APELLANT

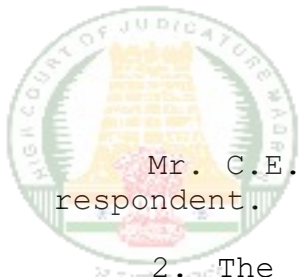
Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
SALEM
CR NO. 4/AC/2014

... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the sentence imposed on the petitioner/appellant by the judgment dated 29.10.2021 of the special Judge, Special Court for trial of cases under the Prevention of Corruption Act, Salem, in SPL CC.No.3 of 2015 thereby convicting the appellant for the offences under sec 7 & 13(2) r/w 13(1)(d) of the Prevention of Corruption Act and sentencing the appellant to undergo rigorous imprisonment for a period of three years with a fine of Rs.10,000/- in default to pay fine to undergo simple imprisonment for three months for the offence under sec 7 of the Prevention of Corruption Act and sentencing to undergo rigorous imprisonment for a period of four years with fine of Rs.10,000/- in default to pay fine to undergo simple imprisonment for three months and to enlarge the petitioner disposal of the main Criminal Appeal and pass such further or other orders and thus render justice.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.T.SAIKRISHNAN Advocate for the petitioner and of M/S. C.E.PRATAP, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-



Mr. C.E.Pratap, learned Government Advocate, takes notice for the respondent.

2. The petitioner, who is the sole accused in Spl.C.C.No.3 of 2015 on the file of the Special Court for Trial of Cases under the Prevention of Corruption Act, Salem, seeks suspension of his sentence of imprisonment.

3. The petitioner stood charged for the offences under Sections 7, 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act 1988. The trial Court, by a judgment dated 29.10.2021, convicted the petitioner/accused and sentenced him as under:

Conviction under Section	Sentence
7 of the Prevention of Corruption Act	Rigorous Imprisonment for three years and to pay a fine of Rs.10,000/-, in default, to undergo Simple imprisonment for three months.
13(2) r/w.13(1)(d) of the Prevention of Corruption Act	Rigorous Imprisonment for four years and to pay a fine of Rs.10,000/-, in default, to undergo Simple imprisonment for three month.

The Trial Court ordered the sentences to run concurrently.

4. Challenging the above said conviction and sentence, the present appeal has been filed along with this petition for suspension of sentence.

5. The learned counsel appearing for the petitioner/appellant submitted that the petitioner was originally working as a Tahsildar, Mettur. However, on the date of occurrence, he was deputed to work at the Sub-Collector Office, Mettur. The attendance Register maintained in the Sub-Collector Office clearly shows that on the date of occurrence, he was working in the Sub Collector Office and not in the Tahsildar Office at Mettur as alleged by the prosecution. He further submitted that the petitioner was called for enquiry to the police station, where trape was conducted and a false case has been foisted against the petitioner. There is no demand and acceptance of any illegal gratification. He further submitted that entire fine amount has been paid.

6. The learned Government Advocate(Crl. side) appearing for the respondent submitted that even though he was deputed to Sub-Collector Office, on the date of offence, he was very much available in the Tahsildar Office, where trap was conducted and he was caught red handed.



7. Heard both sides and perused the impugned judgment and the materials available on record.

8. Taking into consideration of the submission of the learned counsels appearing on both sides, as some doubt has been raised with regard to the presence of the petitioner in the Tahsildar Office at the time of occurrence, this Court finds that there are arguable points involved in the appeal, and hence, this Court is inclined to suspend the substantive sentence of imprisonment alone.

9. Accordingly, pending appeal, substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for Trial of Cases under the Prevention of Corruption Act, Salem, with further condition that he shall appear before the said court once in a month, i.e., on the first working day of every month at 10.30 a.m., until further orders.

-sd/-

22/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE
SPECIAL COURT FOR TRIAL OF CASES UNDER THE
PREVENTION OF CORRUPTION ACT
SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
SALEM

WEB COPY

+1 C.C. to M/S.T.SAIKRISHNAN Advocate on payment of necessary
charges SR.No.13154

Order

in
CRL MP.11528/2021

in
Crl.A.No.534/2021

Date :22/11/2021

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APN 23/11/2021