



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fourth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.11928 of 2021

IN CRL.A.No.571 of 2021

P.K.SADHASIVAM

[PETITIONER / APPELLANT /ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SALEM DISTRICT
(CRIME NO.08/AC/2005)

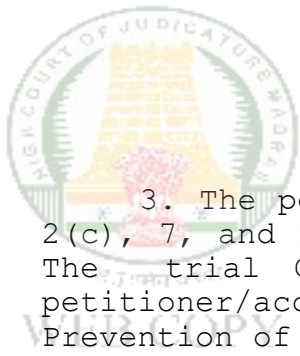
[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Suspend the sentence awarded in the judgment dated 15.09.2021 made in Spl.CC.No.01 of 2006 on the file of the Court of Chief Judicial Magistrate Court Namakkal and enlarge the petitioner on Bail pending disposal of this Crl.A.No.571 of 2021.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S S.KARTHIKEYAN, Advocate for M/S M.RAVI, Advocate for the Petitioner and of MR.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 (crl. side), takes notice for the respondent.

2. The petitioner, who is the sole accused in Spl.C.C.No.1/2006 on the file of the Special Court for Trial of Cases under the Prevention of Corruption Act, Chief Judicial Magistrate, Namakkal, seeks suspension of his sentence of imprisonment.



3. The petitioner stood charged with the offences under Sections 2(c), 7, and 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act. The trial Court, by a judgment dated 15.09.2021, convicted the petitioner/accused under Sections 7, and 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act and sentenced him as under:

Conviction under Section	Sentence
7 of Prevention of Corruption Act	Rigorous Imprisonment for three years and to pay a fine of Rs.1000/-, in default, to undergo Simple imprisonment for one month.
13(2)r/w. 13(1)(d) of Prevention of Corruption Act	Rigorous Imprisonment for three years and to pay a fine of Rs.1000/-, in default, to undergo Simple imprisonment for one month.

The Trial Court ordered the sentences to run concurrently.

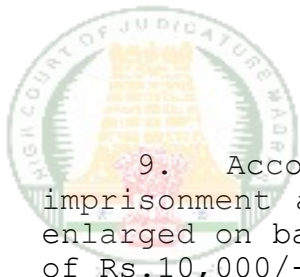
4. Challenging the above said conviction and sentence, the present appeal has been filed along with this petition for suspension of sentence.

5. The learned counsel appearing for the petitioner/appellant submitted that there is no positive evidence for demand and acceptance of illegal gratification. That apart, the Trial Court already suspended the sentence. He further submitted that the entire fine amount has been paid.

6. The learned Government Advocate (Crl. side) submitted that the petitioner, who was working as a Village Administrative Officer, has demanded a sum of Rs.620/- as illegal gratification to include the name of the defacto complainant in the Revenue register. Based on the complaint, trap was conducted and the petitioner was caught red handed and the Trial Court after considering the evidence rightly convicted the appellant. Considering the gravity of the offence, the sentence can not be suspended.

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, since there are some arguable points involved in the appeal, I am 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, Chief Judicial Magistrate, Namakkal, 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/-

24/11/2021

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 CHIEF JUDICIAL MAGISTRATE
NAMAKKAL.

2 THE SPECIAL COURT FOR
TRIAL OF CASES UNDER THE PREVENTION OF
CORRUPTION ACT, NAMAKKAL.

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S M.RAVI Advocate on payment of necessary charges
SR.NO.13435

Order
in
CRL MP.11928/2021
in
CRL A.571/2021

Date :24/11/2021

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JPA 29/11/2021