



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V.BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.12041 of 2021

IN CRL.A.NO.579 of 2021

K.V.VELU

[PETITIONER/APPELLANT/ACCUSED]

Vs

THE STATE REP BY [RESPONDENT/COMPLAINANT]
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION WING,
VILLUPURAM, VILLUPURAM DISTRICT.
(CR NO.2/2015)

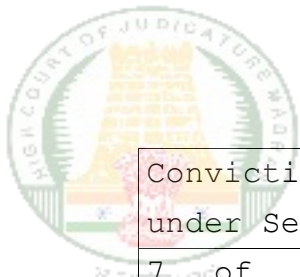
Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.579 of 2021 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by Honourble Chief Judicial Magistrate, Villupuram , Full Additional Charge of Special Judge, Special Court for PC Act Cases, Villupuram , Villupuram District in Special Case No.5 of 2016 dated 22/10/2021 and enlare me on bail pending disposal of the above CRL.A.NO.579 of 2021. (IN CRL.MP.NO.12041/2021)

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.579 of 2021 on the file of the High Court and upon hearing the arguments of M/S.E.UDAYACHANDER, 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.Case No.5 of 2016 on the file of the Special Court for Trial of Cases under the Prevention of Corruption Act, Chief Judicial Magistrate, Villupuram, seeks suspension of his sentence of imprisonment.

3. The petitioner stood charged with the offences under Sections 7, and 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act. The trial Court, by a judgment dated 22.10.2021, convicted the petitioner/accused and sentenced him as under:



Conviction under Section	Sentence
7 of Prevention of Corruption Act	Rigorous Imprisonment for two 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 two 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 case of the prosecution is that when the petitioner/appellant was working as an A4 Assistant in Gingee Taluk Office, he had demanded illegal gratification from the complainant for the purpose of renewal of Pawn Broker license. Based on the complaint, a trap was arranged and the petitioner was caught red handed while receiving a sum of Rs.3500/-. The trial Court, after considering the evidence, convicted the accused.

6. The learned counsel appearing for the petitioner/appellant submitted that the petitioner is only a clerk in the Tahsildar Office and he has no role to play with regard to issuance of license and that apart, even before the Trap was conducted, the defacto complainant's license was renewed and the same was also intimated to him. He further submitted that there was contradiction in the evidence of P.Ws.2 and 3. Without considering the above facts, the Trial Court convicted the petitioner/appellant. That apart, the Trial Court already suspended the sentence. He further submitted that the entire fine amount has been paid.

7. The learned Government Advocate (Crl. side) submitted that the petitioner, who was working as A4 Assistant in the Tahsildar Office at Gingee, has demanded a sum of Rs.3500/- as illegal gratification for renewing the pawn broker licence of the defacto complainant. Based on the complaint, trap was conducted and the petitioner was caught red handed and the prosecution has proved the guilty of the petitioner/appellant beyond reasonable doubt. The Trial Court after considering the gravity of the offence, rightly convicted the petitioner/appellant and hence, the sentence can not be suspended.

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



9. Considering the facts and circumstances and also considering the submissions of the respective counsels, this Court finds some arguable points involved in the appeal, this Court is inclined to suspend the substantive sentence of imprisonment alone .

10. 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, Villupuram, 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/-

25/11/2021

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
VILLUPURAM [FOR INFORMATION]

2 THE ADDITIONAL CHARGE OF SPECIAL JUDGE,
THE SPECIAL COURT FOR TRIAL OF CASES
UNDER THE PREVENTION OF CORRUPTION ACT CASES,
VILLUPURAM, VILLUPURAM DISTRICT.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION WING,
VILLUPURAM, VILLUPURAM DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2C.C. to M/S.E.UDAYACHANDER Advocate on payment of necessary
charges SR.NO.13442

Order
in
CRL MP.12041/2021
in
CRL.A.NO.579/2021
Date :25/11/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

CSK 30/11/2021