



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

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

PRESENT

The Hon`ble Mr Justice V.BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.12294 of 2021

IN CRL.A.NO.595 of 2021

S.MANOCHARAN

[PETITIONER/APPELLANT]

Vs

THE STATE OF TAMIL NADU REP.BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI- CORRUPTION WING,
ERODE V AND AC,ERODE DISTRICT.
(CRIME NO.07/AC/2013/ER)

[RESPONDENT]

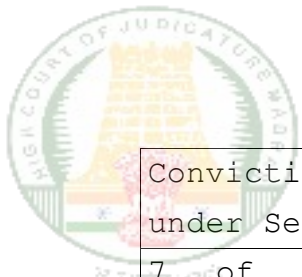
Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.595 of 2021 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed in the judgment dated 16.11.2021 made in Special C.C.No.02 of 2016 on the file the learned Special Judge/Chief Judicial Magistrate, Erode, and enlarge the petitioner on bail pending disposal of the above CRL.A.NO.595 of 2021 (IN CRL.MP.NO.12294/2021)

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.595 of 2021 on the file of the High Court and upon hearing the arguments of MR.N.MANOCHARAN 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.2 of 2016 on the file of the learned Special Judge/Chief Judicial Magistrate, Erode, 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 16.11.2021, convicted the petitioner/accused and sentenced him as under:



Conviction under Section	Sentence
7 of Prevention of Corruption Act	Rigorous Imprisonment for one year and to pay a fine of Rs.5000/-, in default, to undergo Simple imprisonment for three months.
13(2)r/w. 13(1) (d) of Prevention of Corruption Act	Rigorous Imprisonment for two years and to pay a fine of Rs.5000/-, in default, to undergo Simple imprisonment for three months.

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 Revenue Inspector in Erode Town, he had demanded illegal gratification from the complainant for issuing Legal Heir Certificate. Based on the complaint, a trap was arranged and the petitioner was caught red handed while receiving a sum of Rs.1000/-. The trial Court, after considering all the evidences, convicted the accused.

6. The learned counsel appearing for the petitioner/appellant submitted that there are lot of discrepancy in the prosecution witnesses and the demand and acceptance of the illegal gratification has not been proved by the prosecution. 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 an Revenue Inspector at Erode Town, has demanded a sum of Rs.1000/- as illegal gratification for issuing Legal Heir Certificate. 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 there is no reason to interfere with the same.

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 learned Special Judge/Chief Judicial Magistrate, Erode, 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/-
29/11/2021

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/CHIEF JUDICIAL MAGISTRATE,
ERODE.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI- CORRUPTION WING,
ERODE V AND AC ERODE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S. N.MANOхарAN Advocate on payment of necessary charges SR.NO.13661

Order
in
CRL MP.12294/2021
in
CRL.A.NO.595/2021
Date :29/11/2021

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