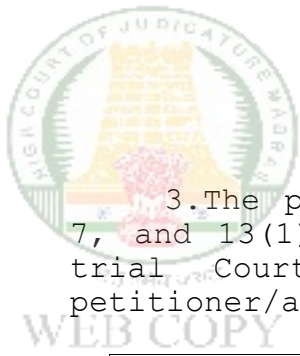




3.The petitioner stood charged with the offences under Sections 7, and 13(1) (d) r/w 13(2) of the Prevention of Corruption Act. The trial Court, by a judgment dated 23.11.2021, convicted the petitioner/accused and sentenced him as under:

Conviction under Section	Sentence
7 of Prevention of Corruption Act	To undergo Rigorous Imprisonment for 3 years and to pay a fine of Rs.25,000/-, in default, to undergo Simple imprisonment for 3 months.
13(1) (d) r/w 13(2) of Prevention of Corruption Act	To undergo Rigorous Imprisonment for 3 years and to pay a fine of Rs.25,000/-, 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 Criminal Appeal has been filed along with this petition for suspension of sentence.

5. The case of the prosecution is that the petitioner, who was working as a Junior Engineer in TANGEDCO, Tondiarpet Division, Thiruvallavoyal, has demanded a sum of Rs.3000/- for giving new service connection to the de-facto complainant's house. After negotiation, it was reduced to Rs.2,700/- and the same was demanded by the petitioner. Hence, a complaint was lodged by the de-facto complainant. Based on the complaint, a trap was arranged and the petitioner was caught red handed, while receiving demanded amount of Rs.2,700/-. After investigation, Charges were framed against the petitioner/appellant. The trial Court, after considering all the evidences, convicted the petitioner/appellant.

6. The learned counsel appearing for the petitioner/appellant submitted that there are lot of discrepancy in the prosecution witnesses and there is no evidence for demand of illegal gratification. Without any evidence for demand and acceptance, only based on the recovery, the trial Court convicted the petitioner/appellant in this case. That apart, the Trial Court already suspended the sentence till 22.12.2021. He further submitted that the entire fine amount has already been paid by the petitioner/appellant.

7.The learned Government Advocate (Crl. side) submitted that, the petitioner, who was working as a Junior Engineer. TANGEDCO, Tondiarpet Division, Thiruvallavoyal, demanded a sum of Rs.3,000/- as illegal gratification and after negotiation, he received a sum of



Rs.2,700/- for giving new service connection to the house of the de-facto complainant. Based on the complaint, trap was conducted and the petitioner was caught red handed while receiving the demanded money and the material objects were recovered and the prosecution has proved the guilty of the petitioner/appellant beyond reasonable doubt. The Trial Court, after considering the materials, had 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 the case and also considering the submissions of the respective learned counsels, this Court finds that some arguable points are 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 Chief Judicial Magistrate-cum-Special Court, Thiruvallur, 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/-

10/12/2021

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
CUM SPECIAL COURT, THIRUVALLUR.

2 THE INSPECTOR OF POLICE,
DEPARTMENT OF VIGILANCE AND ANTI CORRUPTION,
CHENNAI



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

+1 C.C. to M/S K.BALAJI Advocate on payment of necessary charges
SR.NO.14470

Order

in
CRL MP.13123/2021

in
CRL A.638/2021

Date :10/12/2021

From 7.2.2001 the Registry is issuing certified
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RW 15/12/2021