



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Fifteenth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V.BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.13456 of 2021

IN

CRL.A.NO.658 of 2021

K. VIJAYARAGAVAN

[ PETITIONER/APPELLANT/ACCUSED ]

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
VIGILANCE AND ANTI-CORRUPTION,  
CHENNAI CITY-I DETACHMENT,  
CHENNAI-28.  
(CR.NO.13/AC/2012/C.C.I)

[ RESPONDENT/COMPLAINANT ]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.658 of 2021 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the Hon'ble Special court for the cases under Prevention of Corruption Act, Chennai in CC.No.32 of 2013 dated 18.11.2021, convicting the appellant u/s.7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act 1988 and grant bail to the petitioner/appellant pending disposal of the above CRL.A.NO.658 of 2021 IN CRL.MP.NO.13456/2021.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.658 of 2021 on the file of the High Court and upon hearing the arguments of MR.M.RAJAVELU 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 C.C.No.32 of 2013 on the file of the learned Special Judge for the cases under Prevention of Corruption Act 1988, Chennai 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 18.11.2021, 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.1000/-, 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.1000/-, 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 the petitioner was working as Assistant Commissioner, Commercial Tax, Mylapore Division. The defacto complainant/P.W.1 approached him to change his company assessment circle from Chennai District to Sengottai. For which, the petitioner had demanded a sum of Rs.15,000/- and hence he preferred a complaint. Based on the complaint, a trap was arranged and the petitioner was caught red handed while receiving a sum of Rs.15,000/-. The trial Court, after considering all the evidences, convicted the accused.

6. The learned counsel for the petitioner submitted that there is no evidence available on record to prove the demand and acceptance of the illegal gratification. The evidence of D.W.1 & D.W.2 clearly falsified the evidence of illegal gratification. But, the Trial Court, without considering the same, convicted the petitioner. 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 Assistant Commissioner, Commercial Tax, has demanded a sum of Rs.15,000/- as illegal gratification for transferring the assessment circle. 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 evidence 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 .

WEB COPY

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, Special Court for the cases under Prevention of Corruption Act, Chennai 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/-

15/12/2021

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 SPECIAL JUDGE,  
SPECIAL COURT FOR THE CASES  
UNDER PREVENTION OF CORRUPTION ACT, CHENNAI.

2 THE INSPECTOR OF POLICE,  
VIGILANCE AND ANTI-CORRUPTION,  
CHENNAI CITY-I DETACHMENT, CHENNAI-28.

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1C.C. to M/S.M.RAJAVELU Advocate on payment of necessary charges SR.NO.14887

Order  
in  
CRL MP.13456/2021  
in  
CRL.A.658/2021  
Date :15/12/2021

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