



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION Nos.14025 & 14029 of 2021

IN CRL.A.Nos.698 & 700 of 2021

MURUGESAN

[PETITIONER / APPELLANT / ACCUSED-2
IN CRL.M.P.No.14025/2021
IN CRL.A.No.698/2021]

SARASU

[PETITIONER / APPELLANT
IN CRL.M.P.No.14029/2021
IN CRL.A.No.700/2021]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
KANCHEEPURAM DETACHMENT,
CRIME NO.20/AC/2007/KM.

[RESPONDENT / COMPLAINANT
IN BOTH PETITIONS]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) Suspend the execution of sentence in Special Case No. 8 of 2009 dated 15.12.2021 by the Learned Special Judge/ Chief Judicial Magistrate, Kanchepuram district at Chengalpet and enlarge the petitioner on bail, till the disposal of this Crl.A.Nos.698 & 700/2021. [CRL.M.P.Nos.14025 & 14029 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. K.M.BALAJI, Advocate for the Petitioner [IN BOTH PETITIONS] and of MR.C.E.PRATAP, Govt. Advocate (Crl. Side) [IN BOTH PETITIONS] 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. Totally, there are two accused. The petitioners, who are arrayed accused 1 and 2 in Special Case No.8 of 2009 on the file of the Special Judge/Chief Judicial Magistrate, Kancheepuram, respectively seeks suspension of their sentence of imprisonment.

3. The case of prosecution is that A1 in this case is the President of Orikkai Village Panchayat and A2 is the husband of A1. For the purpose of granting plan approval, both the accused have demanded a sum of Rs.8000/- from P.W.2/defacto complainant. Based on his complaint, a trap was arranged, when A1 received amount, he was caught red handed and they were arrested. Thereafter, a crime was registered and after trial, the trial Court, by a judgment dated 15.12.2021, convicted the petitioners/accused 1 and 2 and sentenced them as under:

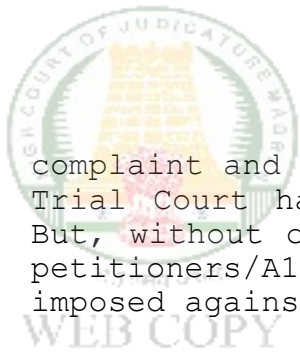
A1 convicted under Section	Sentence
7 of the Prevention of Corruption Act	Rigorous imprisonment for a period of four years and to pay a fine of Rs.1000/-, in default, to undergo simple imprisonment for three months.
13(2) r/w 13(1)(d) of the Prevention of Corruption Act	Rigorous imprisonment for a period of five years and to pay a fine of Rs.5000/- in default, to undergo simple imprisonment for six months.

A2 convicted under Section	Sentence
12 of the Prevention of Corruption Act	Rigorous imprisonment for a period of four 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. Mr.K.M.Balaji, learned counsel appearing for the petitioners would submit that, there is no materials available on record to show that the defacto complainant is well-known to them and earlier, he has received loan from the petitioners and failed to repay the amount. When the petitioners demanded repayment, P.W.2 has given a false



complaint and thereafter, they were charged with the said offence. The Trial Court had examined D.W.1, Servant-maid to establish the same. But, without considering the same, the trial court convicted both the petitioners/A1 and A2. Hence, he prayed to suspend the sentence imposed against them.

6. Mr. C.E.Pratap, learned Government Advocate (Criminal side) appearing for respondent would submit that A1 was elected as the President of Orikkai Village Panchayat and both the petitioners have demanded bribe from P.W.2 for giving plan approval. Based on his complaint, a trap was arranged, in which, A1 was caught red handed. Since A2 has abetted A1, he was implicated in this case. Considering the explanation offered by the accused and there is a materials available on record for the demand and for acceptance of bribe amount, the Trial Court, after considering all those materials, has rightly convicted the petitioners. Therefore, there is no reason to interfere with the findings of the trial court and considering the gravity of offence, it is not a fit case for granting suspension of sentence.

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 and also considering the fact that since there are some arguable points involved in the appeal, and that apart, pending trial, the petitioners/appellant were on bail and they have no bad antecedents, I am inclined to suspend the substantive sentence of imprisonment alone.

9. Accordingly, pending appeal, substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail on condition that they 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, Kancheepuram, with further condition that they 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/-
22/12/2021

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/CHIEF JUDICIAL MAGISTRATE,
KANCHEEPURAM DISTRICT AT CHENGALPET.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
KANCHEEPURAM DETACHMENT,

3 THE OFFICER IN CHARGE,
SUB JAIL, SAIDAPET.

4 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN AT PUZHAI, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 C.C. to M/S. K.M.BALAJI Advocate on payment of necessary
charges SR.NOs.15320 & 15319

Order
in
Crl.M.P.Nos.14025 & 14029 of 2021
in
Crl.A.Nos.698 & 700 of 2021

Date :22/12/2021

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JPA 22/12/2021