



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 No.13948 of 2021

IN CRL.A.No.688 of 2021

M.RAMESH

[PETITIONER/APPELLANT/SOLE ACCUSED]

Vs

STATE OF TAMIL NADU

[RESPONDENT/COMPLAINANT]

REPRESENTED BY

THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
COIMBATORE DISTRICT
(CRIME NO.13/2011/AC/CB)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Suspend the Sentence imposed upon him by the Learned Special Judge, Special Court for Trial of Cases under the Prevention of Corruption Act, Coimbatore by a Judgement dated 16.12.2021 made in SPL.C.C.No.24/2012 and release him on bail and grant such or other orders as this Hon'ble Court.

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 M.R.THANGAVEL, 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.24 of 2012 on the file of the Special Judge, Special Court for Trial of cases under the Prevention of Corruption Act, Coimbatore, seeks suspension of his sentence of imprisonment.



3. The trial Court, by a judgment dated 16.12.2021, convicted the petitioner/accused and sentenced him as under:

Conviction under Section	Sentence
7 of the Prevention of Corruption Act	Rigorous imprisonment for a period of three years and to pay a fine of Rs.10,000/-, 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 four years and to pay a fine of Rs.10,000/- 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 appeal has been filed along with this petition for suspension of sentence.

5. Mr.M.R.Thangavel, learned counsel appearing for the petitioner would submit that the petitioner was working as Assistant Engineer in Water Resources Department, P.W.D., in Pollachi Aliyar Basin Division, Coimbatore, wherein P.W.1, defacto complainant and P.W.6, his father have constructed a culvert in the irrigation channel and the same was removed by the petitioner. Since it is an offence, as per the powers conferred under Sec.35 of Tamil Nadu Farmers' Management of Irrigation Systems Act, to compound the offence, he has collected a sum of Rs.5000/- as compounding fee. However, since P.W.1 is having grievance against the petitioner for removing the culvert, he has given a false complaint and there is no previous motive between them. The evidences available on record would clearly shows that the petitioner had only collected compounding fee, and he has not received any bribe as alleged by the prosecution. Hence, he prayed to suspend the sentence imposed against him.

6. Mr. C.E.Pratap, learned Government Advocate (Criminal side) appearing for respondent opposed the petition and stated that the petitioner demanded a sum of Rs.10,000/- for the purpose of installing pipeline in the water channel and based on the complaint, a trap was arranged. Subsequently, the petitioner caught red handed for receiving a sum of Rs.5000/- as bribe. There is a clear evidence for the demand and for receipt of amount. The Trial Court, after considering all those materials, has rightly convicted the petitioner. Therefore, 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 considering the submission that, the petitioner is the competent authority under the said Act to collect compounding fee, he said to have received compounding fee and that apart, pending trial, the petitioner/appellant was on bail, and he has no bad antecedents, and also considering the fact that since there are some arguable points involved in the appeal, I am inclined to suspend the substantive sentence of imprisonment alone.

9. 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 Trial of cases under the Prevention of Corruption Act, Coimbatore, 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/-
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,
SPECIAL COURT FOR TRIAL OF CASES UNDER
THE PREVENTION OF CORRUPTION ACT, COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
COIMBATORE DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S C.ANBU Advocate on payment of necessary charges
SR.NO.15329

Order

in
CRL MP.13948/2021

in
CRL A.688/2021

Date :22/12/2021

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RW 22/12/2021