



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Sixth day of October Two Thousand and Twenty One

PRESENT

The Hon'ble Mr.Justice R.PONGIAPPAN

CRL MP(MD) No.8165 of 2021 in
CRL A(MD) No.416 of 2021

V.RAMARAJ

... PETITIONER/APPELLANT

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
DINDIGUL.
(CRIME NO.2/2009).

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed in Judgment dated 21/09/2021 made in Spl.C.C.No.17/2014 on the file of Learned Chief Judicial Magistrate, Dindigul (Special Judge for trial cases under the P.C. Act Dindigul) and enlarge him on bail pending disposal of the instant Criminal Appeal.

Prayer in CRL A(MD) No.416/ 2021 :

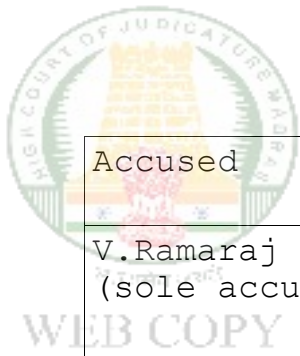
Pleased to set aside the judgment dated 21.09.2021 made in Spl.C.C.No.17/2014 on the file of learned Chief Judicial Magistrate, Dindigul, (Special Judge for trial of cases under the P.C. Act, Dindigul) and allow the above Criminal Appeal.

ORDER : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.C.JEGANATHAN, Advocate for the petitioner and of MR.M.MUTHUMANIKKAM, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment dated 21.09.2021 passed in Spl.C.C.No.17 of 2014, on the file of the Chief Judicial Magistrate, Dindigul (Special Judge for trial cases under the P.C.Act Dindigul), and to enlarge the petitioner on bail pending disposal of the appeal.

2.The petitioner, who was the sole accused in Spl.C.C.No.17 of 2014 on the file of the Chief Judicial Magistrate, Dindigul (Special Judge for trial cases under the P.C.Act Dindigul), was convicted and sentenced as follows on 21.09.2021:-

<https://hccservices.gov.in/cservices/>



Accused	Provision under which convicted	Sentence
V.Ramaraj (sole accused)	Section 7 of Prevention of Corruption Act	undergo two years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment
	Section 13(2) r/w 13(1) (d) of Prevention of Corruption Act	Undergo two years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment.

3.Challenging the above said conviction and sentence, the petitioner has filed Crl.A(MD) No.416 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4.Heard Mr.C.Jeganathan, learned counsel for the petitioner and Mr.M.Muthumanikkam, Government Advocate (Crl.side) appearing for the respondent/State.

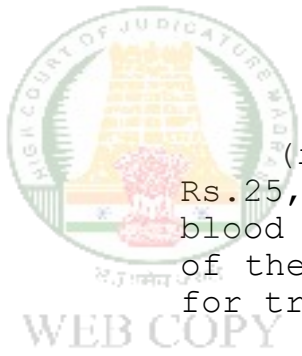
5.It is the case of the prosecution that the petitioner/appellant was working as Firka Surveyor and for giving separate patta in favour of the defacto complainant he demanded a sum of Rs.12,000/- as illegal gratification. Since, the defacto complainant is not interested to pay the said bribe amount, he gave a complaint to the respondent police.

6. The learned counsel appearing for the petitioner submitted that as per the prosecution, the first demand made by the petitioner is on 20.06.2009, whereas, it is seen from the evidence of P.W.11 the application of the defacto complainant were entrusted to the appellant only on 23.06.2009. Hence, there is no possibility of demand by the appellant on 20.06.2009. In the Ex.P1, P.W.1 has not assigned any reason for coming to a subjective satisfaction to grant such sanction. Further, there is a delay for such sanction. The sanction order was issued in a model form in a casual manner and without application of mind.

7. Apart from that, the petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the trial court suspended the sentence upto 20.10.2021. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

8. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

<https://hcservices.ecourts.gov.in/hcservices/>



(i) The petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Chief Judicial Magistrate, Dindigul (Special Judge for trial of cases under the P.C.Act, Dindigul).

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-
06/10/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE CHIEF JUDICIAL MAGISTRATE,
(SPECIAL JUDGE FOR TRIAL CASES UNDER THE P.C.ACT),
DINDIGUL.
2. THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
DINDIGUL.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.JEGANATHAN, Advocate (SR-6944[I] dated 06/10/2021)

ORDER IN
CRL MP(MD) No.8165 of 2021 in
CRL A(MD) No.416 of 2021
Date :06/10/2021

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USK/SKN/SAR-III/(07.10.2021) 3P-5C

<https://hcservices.ecourts.gov.in/hcservices/>