



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixth day of January Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.71 of 2022

IN CRL.A.No.3 of 2022

M.THANGAVELU

[PETITIONER/APPELLANT]

Vs

THE STATE BY,
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
COIMBATORE.
(CRIME NO.10/2013/AC/CB).

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence passed in Spl.C.C.No.4 of 2015 dated 30.12.2021 on the file of Special Judge, Special Court for Trial of cases under Prevention of Corruption Act, Coimbatore, enlarge the petitioner on bail pending disposal of the above CRL.A.No.3 of 2022.

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.S.RAMACHANDRAN, 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.4 of 2015 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 case of prosecution is that the petitioner was working as Deputy Manager (Marketing) in Tamil Nadu Cooperative Milk Producers Union Ltd. at Coimbatore. As the vigilance enquiry is pending with



regard to granting of aavin booth agency, the petitioner said to have demanded a sum of Rs.3000/- from P.W.2/defacto complainant, and threatened that if he did not give the bribe, he would send a report to cancel his aavin booth agency. Since the complainant was unwilling to give bribe, he preferred a complaint. Based on his complaint, a trap was arranged, when the petitioner received amount, he caught red handed and he was arrested. Thereafter, a crime was registered and after full-fledged trial, the trial Court, by a judgment dated 30.12.2021, 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.S.Ramachandran, learned counsel appearing for the petitioner would submit that a false complaint has been filed against the petitioner and there is no proper sanction was accorded. He would also submit that since the petitioner, who was working as Deputy Manager (Marketing), only the Board alone has the power to accord sanction. Whereas, P.W.1, who was working as General Manager has accorded sanction. That apart, the demand of bribe was also not properly proved. 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, who was working as Deputy Manager in Aavin Corporation, demanded a sum of Rs.3,000/- for illegal gratification. Based on the complaint, a trap was arranged, the petitioner caught red handed and the prosecution had clearly established the fact that the petitioner has demanded bribe and received the 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, this court of the view that some arguable points are involved in the appeal, and also considering the fact that, pending trial, the petitioner was on bail and he has 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 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/-
06/01/2022

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
PREVENTION OF CORRUPTION ACT, COIMBATORE.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
COIMBATORE.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 C.C. to M/S.S.RAMACHANDRAN Advocate on payment of necessary
charges SR.NO.271

Order

in
CRL MP.71/2022
in
CRL.A.No.3 of 2022

Date :06/01/2022

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

RW 07/01/2022