



Crl.M.P.No.3297 of 2022 in Crl.A.No.276 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.M.P.No.3297 of 2022 in Crl.A.No.276 of 2022

N.Kasi

... Petitioner

..Vs..

State rep by
The Inspector of POlice,
Vigilance and Anti-Corruption,
Salem.
(Cr.No.11/AC/2010)

... Respondent

PRAYER: Criminal Miscellaneous petition filed under Section 374(2) of Cr.P.C, to suspend the sentence passed by the learned Special Judge/Special Court for Trial of Cases under Prevention of Corruption Act, Salem) in Special C.C.No.91/2014 dated 25.02.2022 and enlarge the petitioner on Bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.M.Palanivel

For Respondent : Mr.E.Raj Thilak
Addl.Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed by the the learned Special Judge/Special Court for Trial of Cases under



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Prevention of Corruption Act, Salem) in Special C.C.No.91/2014 dated 25.02.2022 and enlarge the petitioner on Bail, pending disposal of the Criminal Appeal.

2. In and by the judgment of the trial court, petitioner/accused was convicted for the offence under Section 7 of Prevention of Corruption Act and sentenced him to undergo rigorous imprisonment for one year with a fine of Rs.5,000/- in default, to undergo one month simple imprisonment and also convicted the petitioner for the offences under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act and sentenced him to undergo one year rigorous imprisonment with a fine of Rs.5,000/-, in default, to undergo one month simple imprisonment and both the sentences were ordered to run concurrently and against which the present appeal has been filed.

3. Learned counsel for the petitioner/accused submits that the allegation against the petitioner/accused is that he is said to have demanded and received a sum of Rs.1,500/- for transfer of patta. However, the material witnesses viz., the defacto complainant/P.W.2 and eyewitness/P.W.6 have not supported the case of the prosecution. More precisely, it is submitted that P.W.2, during cross examination, has stated that he does not know whether the petitioner/accused was



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the Village Administrative Officer at that point of time and demanded a sum of Rs.1,500/- for transfer of patta and therefore, the conviction imposed on the petitioner/accused is not sustainable.

4. Learned counsel for the petitioner also submits that the petitioner/accused was in custody till 20.12.2010 from the date of arrest and after the conviction and sentence he paid the fine amount and the sentence was suspended on 25.02.2022. He would further submit that there are arguable points available in the Criminal Appeal Case, and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal Case.

5. Heard the learned Additional Public Prosecutor and perused the materials available on record.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner/accused, this Court is of the view that the petitioner has made out case for grant of suspension of sentence. Accordingly, till the disposal of the Criminal appeal, the reliefs of suspension of sentence and bail are granted, on the following conditions :-



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- i. The petitioner/accused shall execute own bond for a sum of Rs.25,000/- (Rupees Twenty five Thousand only) with two sureties for a sum of Rs.25,000/- (Rupees Twenty five Thousand only), each for a like sum to the satisfaction of the Special Judge/Special Court for Trial of Cases under Prevention of Corruption Act, Salem). within 15 days from the date of receipt of a copy of this order, failing which the bail granted by this court shall stand dismissed automatically and on further conditions that:
- ii. The petitioner/accused shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

7. The Criminal Miscellaneous Petition is ordered accordingly.

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Note: Issue Order copy on 17.03.2022



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1. The Inspector of Police,
The Inspector of Police,
Vigilance and Anti-Corruption,
Salem.
(Cr.No.11/AC/2010)
2. The Special Judge/Special Court for Trial of Cases
under Prevention of Corruption Act, Salem).
3. The Public Prosecutor (Crl side),
High Court, Madras.



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G.CHANDRASEKHARAN.,J

SR

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