



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of April Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN
CRIMINAL MISCELLANEOUS PETITION No.5490 of 2022

IN CRL A.446/2022

GOVINDARAJ

[PETITIONER]

Vs

STATE OF TAMIL NADU REP BY
INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
ERODE DISTRICT.
(V AND AC , CR.NO. 14/AC/2005/ER)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.446/2022 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in Special C.C.No.2 of 2015 dated 05.04.2022 by the learned Chief Judicial Magistrate/Special Judge, Erode and enlarge on bail pending disposal of the above Crl.A.No.446 of 2022.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.446/2022 on the file of the High Court and upon hearing the arguments of M/S. C.RAMKUMAR, Advocate for the petitioner and of M/S. RAJ THILAK, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This appeal is filed challenging the conviction recorded and sentence imposed on the appellant for the offences under Section 7 and 13 (2) r/w. 13 (1) (d) of the Prevention of Corruption Act, 1988, in the judgment dated 05.04.2022 made in C.C.No.2 of 2015 passed by the learned Chief Judicial Magistrate / Special Judge, Erode, and enlarged on bail.

2.Learned counsel for the appellant/petitioner submitted that petitioner is an Executive Officer in Mettupalayam, Village Panchayat. The allegations against the petitioner is that he said to have demanded a bribe of Rs.10,000/- for blue print plan approval and to issue population certificate. Then the bribe amount was said to have been reduced to Rs.4,000/-. It is further submission of the learned counsel for the petitioner that, petitioner has no power to



issue population certificate. P.W.7, District Collector / Sanctioning Authority has given evidence that he is not aware of the fact that whether petitioner has the authority to issue population certificate. Investigation office also given evidence that has not investigated as to whether petitioner has authority to issue population certificate. When there is no authority for the petitioner to issue population certificate, the question of demand of illegal gratification, its acceptance will not arise. After 29.08.2005, there was no meeting between the petitioner and de-facto complainant and de-facto complainant and only on 05.09.2005, the trap proceedings was held. There are other material contradictions among the evidence of prosecution witnesses. Therefore, he prays for admitting this appeal and for suspension of sentence.

3.Per contra, learned Additional Public Prosecutor submitted that prosecution has through the evidence of P.W.2 and P.W.3 had clearly proved the demand of illegal gratification by the petitioner, its acceptance and recovery from him. Therefore, he prays for dismissal of this appeal and to confirm the judgment of the trial Court.

4.Considering the submission made by learned counsel appearing for the parties, in view of the fact that the appeal should be heard elaborately and it takes some time for taking the appeal for final hearing, this Court admits this appeal and inclined to suspend the sentence till the disposal of this appeal and the petitioner is ordered to be released on bail on condition that,

i) the petitioner 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 Chief Judicial Magistrate / Special Judge, Erode, within a period of two weeks from the date of receipt of copy of this order and also;

ii) the petitioner shall appear before the above said Court on the first working day of every English calendar month at 10.30 a.m, until further orders.

-sd/-

28/04/2022

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.



1 THE CHIEF JUDICIAL MAGISTRATE/
SPECIAL JUDGE, ERODE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
ERODE DISTRICT.

C.C. to M/S. C.RAMKUMAR Advocate on payment of necessary
charges Sr.6466

Order

in
CRL MP.5490/2022

in
CRL A.446/2022

Date :28/04/2022

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RVR 28/04/2022