



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

Tuesday, the Twenty Sixth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN
CRIMINAL MISCELLANEOUS PETITION No.5454 of 2022

IN

CRL A.442/2022

P.SAKTHIVEL

[APPELLANT/ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
CHENNAI CITY
(CRIME NO.13/AC/2014/CC-1)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.442/2022 on the file of the High Court, the High Court will be pleased to Suspend the Sentence imposed upon the appellant herein by the Learned Judge, Special Court for Prevention of Corruption Act Cases Chennai in CC.8/2015 dated 13.04.2022 and acquit the appellant herein and pass such further or other orders.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.442/2022 on the file of the High Court and upon hearing the arguments of M/S R.KARTHIKEYAN, 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 petition is filed to suspend the sentence of imprisonment imposed in the judgment dated 13.04.2022 made in C.C.No.8/2015 on the file of the learned Judge, Special Court for Prevention of Corruption Act Cases, Chennai.



2. Appellant was convicted for the offences under Sections 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to pay the fine, to undergo simple imprisonment for three months under Section 7; sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.1,000/-, in default to pay the fine, to undergo three months simple imprisonment under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act. The substantive sentences are ordered to run concurrently.

3. Challenging the same, the present appeal has been filed along with this petition for suspension of sentence.

4. Heard the learned counsel for the appellant and the learned Additional Public Prosecutor for the respondent.

5. Learned counsel for the appellant submitted that this is a trap case. However, the case of the appellant is that the bribe money was thrust into the shirt pocket of the appellant. There is also procedural lapses in conducting sodium carbonate phenolphthalein test. Instead of conducting test immediately after being informed by the defacto complainant about the acceptance of bribe by the appellant, the appellant was asked to produce the money and then phenolphthalein test was conducted. When it is specifically claimed by the appellant that money was thrust into the shirt pocket of the appellant, asking the appellant to produce the money and then conducting phenolphthalein test is the violation of procedure and it creates suspicion as to the conduct of sodium carbonate phenolphthalein test.

6. In response, the learned Additional Public Prosecutor submitted that the prosecution witness had successfully proved the demand, acceptance of bribe amount and its recovery by the trap laying officer.

7. However, considering the points raised by the learned counsel for the appellant/petitioner and other also arguable points involved in this case, and that it may take some time for taking the appeal for final hearing and also the fact that the trial Court has suspended the sentence till 12.05.2022, this Court is 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 learned Judge, Special Court for Prevention of Corruption Act Cases, Chennai, 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.

WEB COPY

-sd/-
26/04/2022

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.

TO

1 THE SPECIAL JUDGE, SPECIAL
COURT FOR PREVENTION OF CORRUPTION CASES,
CHENNAI

2 INSPECTOR OF POLICE,
VIGILANCE AND ANTI
CORRUPTION, CHENNAI CITY

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S R.KARTHIKEYAN Advocate on payment of necessary charges Sr.6212

Order

in
CRL MP.5454/2022

in
CRL A.442/2022

Date :26/04/2022

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

RVR 27/04/2022