



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.5475 of 2022

IN CRL A.444/2022

A. SRINIVASAN [ PETITIONER/APPELLANT/ACCUSED]

Vs

STATE REP BY [ RESPONDENT/COMPLAINANT ]  
THE DEPUTY SUPERINTENDENT OF POLICE,  
VIGILANCE AND ANTI CORRUPTION,  
TIRUVANNAMALAI DISTRICT.  
(CRIME NO.02/2017)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.444/2022 on the file of the High Court, the High Court will be pleased to Suspend the Sentence imposed in Spl.Case.No.05/2018 on the file of the Learned Special Judge, and Chief Judicial Magistrate Tiruvannamalai and enlarge the petitioner on bail till the disposal of CRL.A.NO.444/2022. (CRL.MP.NO.5475/2022)

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.444/2022 on the file of the High Court and upon hearing the arguments of M/S.P.EZHIL NILAVAN, Advocate for the petitioner and of MR.E.RAJ THILAK Additional Public Prosecutor 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 Spl.Case No.5/2018 on the file of the learned Special Judge and Chief Judicial Magistrate, Tiruvannamalai and enlarge the petitioner on bail.

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.5,000/-, in default to pay the fine, to undergo simple imprisonment for three months under Section 7; sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.5,000/-,



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.

WEB COPY

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.

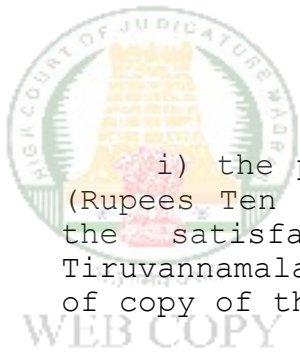
5. Learned counsel for the appellant submitted that P.W.2 has not supported the case of the prosecution and he drew the attention of this Court to certain portions of evidence of P.W.2, where he said that he implicated the appellant only at the instance of one officer of the Vigilance Department. The particular portion of evidence of P.W.2 shows that when he offered money to the appellant, he said to have responded that he did not demand any money and directed P.W.2 to give money to the person who demanded it. Then, he said to have kept the money on the table and left the place. It is also brought to the notice of this Court a portion of evidence of P.W.2, wherein it is said that the officer of Vigilance Department, Vigilance of Police told him that if the complaint is prepared as told by P.W.2, the case would not stand and therefore, the officer wanted him to write the complaint by including what he stated to P.W.2.

6. Learned Additional Public Prosecutor submitted that though P.W.2 did not support the case of the prosecution, other prosecution witnesses supported the case of the prosecution with regard to the demand of bribe amount and its acceptance and recovery.

7. Considered the rival submission and perused the records.

8. The fact remains that P.W.2 did not support the case of the prosecution. It is the specific evidence of P.W.2 that he had preferred the complaint at the instance of the officer of Vigilance of Police. It is also the evidence that accused told him that he did not demand any money and P.W.2 kept the money on the table and left the place.

9. 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 13.05.2022, 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 Chief Judicial Magistrate, Tiruvannamalai, 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/-

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  
CHIEF JUDICIAL MAGISTRATE,  
TIRUVANNAMALAI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,  
VIGILANCE AND ANTI CORRUPTION,  
TIRUVANNAMALAI.

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

C.C. to M/S P.EZHIL NILAVAN Advocate on payment of necessary charges

Order  
in  
CRL MP.5475/2022  
in  
CRL A.444/2022  
Date :26/04/2022

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

CSK 27/04/2022