



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Ninth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL MISCELLANEOUS PETITION No.5976 of 2022

IN CRL.A.No.470 of 2022

K.RAMAN

[PETITIONER / APPELLANT
SINGLE ACCUSED]

Vs

THE STATE REP BY
SUB INSPECTOR OF POLICE,
V AND AC,
KRISHNAGIRI DISTRICT
(CRIME NO.10/AC/2009/KG)

[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Suspension of Sentence imposed against the petitioner in Spl.CC.25/2010 passed by the Learned Chief Judicial Magistrate, Krishnagiri district dated 15.03.2022.

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 M.P.SARAVANAN, Advocate for the petitioner and of M/S.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 15.03.2022 made in Spl.C.C.No.25 of 2010 on the file of the learned Chief Judicial Magistrate, Krishnagiri.

2. Appellant was convicted for the offences under Sections 7, 13(2) of Prevention of Corruption Act, 1988, and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.5,000/- 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 six months rigorous imprisonment under Section 13(2) of Prevention of Corruption Act.



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 petitioner/appellant and the learned Additional Public Prosecutor for the respondent.

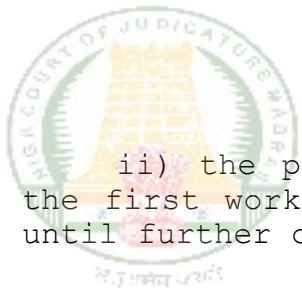
5. The learned counsel for the petitioner/appellant submitted that the charges against the appellant is that he said to have demanded a sum of Rs.5000/- for giving the extracts of chitta, patta, adangal and NOC for applying electric service connection for the common Well of PW2. Subsequently, the bribe amount was reduced to Rs.3000/- and later to Rs.2,000/-. It is his further submission that Advocate who appeared for the petitioner/appellant was not well and therefore, the material witnesses PWs 1 to 8 had not been cross examined. The petition filed for recalling those witnesses was dismissed by the trial Court. Subsequently, a criminal original petition filed for the same relief was also dismissed. Therefore, the chief examination of PWs 1 to 8 had not been challenged by way of cross examination. Even without cross examination of the witnesses, there is some material contradictions in the evidence of PWs 1 to 3, with regard to the demand and acceptance of bribe. Thus, he prayed for admission of this Appeal and suspension of sentence to the petitioner.

6. In response, the learned Additional Public Prosecutor submitted that the prosecution has proved the demand of illegal gratification and its acceptance and recovery from the petitioner through PW2 and 3. Not only their evidence, but also the evidence of other witnesses, namely, PWs 1 to 8 was not challenged by the petitioner through cross examination.

7. Considered the rival submissions.

8. Considering the fact that the material witnesses have not been cross examined and as per the submissions of the learned counsel for the petitioner that there are some material contradictions in the evidence of PWs 2 and 3 with regard to the demand and acceptance of bribe, this Court is of the considered view that considering the arguable points involved in this appeal and in view of the fact that the appeal should be heard elaborately and it takes some time for taking the appeal for final hearing and also the fact that the trial Court has suspended the sentence, 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, Krishnagiri, 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/-
29/04/2022

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 CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI

2 THE SUB INSPECTOR OF POLICE,
V AND AC,
KRISHNAGIRI DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S M.P.SARAVANAN Advocate on payment of necessary charges SR.NO.6506

Order
in
CRL MP.5976/2022
in
CRL A.470/2022

Date :29/04/2022

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JPA 29/04/2022