



*Crl.M.P.No.8852 of 2022 in
Crl.A.No.661 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.M.P.No.8852 of 2022

in

Crl.A.No.661 of 2022

D.Palanivel

... Petitioner/Appellant

Vs.

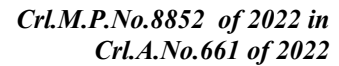
State Rep.by Inspector of Police,
Vigilance and Anti-Corruption
Salem
(Cr.No.2 (AC) 2006)

...Respondent/Respondent

PRAYER: This Criminal Miscellaneous Petition has been filed under Section 389 (1) Cr.P.C, to suspend the sentence dated 16.06.2022 in SPL C.C.No.108 of 2014 on the file of the Special Judge, Special Court for trial of cases under the Prevention of Corruption Act, Salem, thereby convicting the appellant for the offences under Section 120 (B) r/w Sections 167, 468, 471, 477-A, r/w 109 Indian Penal Code, 1860 and sentencing the petitioner/appellant to undergo the rigorous imprisonment for a period of two years with a fine of Rs.9,000/- in default to undergo simple imprisonment for one month and to enlarge the petitioner/appellant on bail pending disposal of the main Criminal Appeal.

For Petitioner : Mr.T.Sai Krishnan

For Respondent : Mr.C.E.Pratap,
Government Advocate (Crl.Side)



The first accused is the appellant herein.

3. As per the final report made in the Crime No.2/AC/2006, on the file of the respondent police, they alleged to have received illegal gratification for allotting the property tax by modification of the records maintaining in the office of the Salem Municipal Corporation and in the said process, they caused loss of Rs.8,61,868/- to the Salem City Municipal Corporation in respect of 32 assessments during the period 1998-1999 second half year and 2005-2006 second half year. Subsequently, only nine assessments which involves large amounts as house tax have been taken for final report.

4. Before the trial Court, P.Ws.1 to 10 were examined; Exhibits P1 to P182 were marked. The Trial Court, on consideration of oral and documentary evidence, has held that the accused A1 to A3 are found guilty for the offences under Sections 120(B) r/w 167 r/w 468 r/w 471 r/w 477A



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I.P.C and they are convicted and sentenced to undergo rigorous imprisonment for a period of two years each and to pay fine of Rs.2,000/- each in default to undergo simple imprisonment for a period of one month and acquitted them under Sections 409 IPC and Section 13(1)(a) r/w 13(2) of the Prevention of Corruption Act, 1988. Challenging the said order of conviction and sentence, the above appeal has been filed. Pending appeal, the appellant-A1 seeks suspension of sentence.

5. It is primarily comes under I.P.C offence and 2 years maximum punishment that was imposed.

6. After hearing the learned counsel for the petitioner and the learned Government Advocate (CrL.Side) and going through the facts rendered by the learned Sub-Judge for P.C Act, Salem, this Court finds that there are arguable points as to the finding rendered by the Tribunal in respect of the charges that was held to be proved and hence, this Court is of the view that the substantive sentences of imprisonment alone can be suspended on certain conditions.

7. Accordingly, till the disposal of the Criminal Appeal, the substantive sentences of imprisonment alone is suspended and the Petitioner/accused-1 is ordered to be enlarged on bail, on the following conditions:-



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- i. The Petitioner/Accused-1 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with two sureties for a like sum to the satisfaction of the learned Special Court for Trial of Cases under the Prevention of Corruption Act, Salem.
- ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and
- iii. The Petitioner/accused-1 shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m., till the disposal of the appeal.

07.07.2022

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Internet:Yes

Note: Issue order copy on 07.07.2022



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