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Crl.MP.Nos.9035 & 9038 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2022

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.MP.Nos.9035 & 9038 of 2022

in

Crl.A.Nos.684 & 685 of 2022

M.Muralidharan (M/A-51)

S/o.Muthuveeran,

Residing at

No.27, Ammaiappa Street,

Kilichipalayam,

Salem - 15

... Petitioner in Crl.MP.No.9035 of 2022

V.Sakthivel (M/A-54)

Residing at

No.54-A, Sanyasingundu Road,

Kitchipalayam, Salem – 15.

... Petitioner in Crl.MP.No.9038 of 2022

Vs.

State of Tamil Nadu Rep. by

The Inspector of Police,

Vigilance and Anti-Corruption,

Salem.

... Respondents in both the Petitions

Prayer: Petitions filed under Section 389 (1) of Cr.P.C., to suspend the sentence and conviction imposed against the Petitioners by judgment dated



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16.06.2022 in Spl.CC.No.108/2014 passed by the learned Chief Judicial Magistrate, Salem and enlarge the Petitioners on bail till the disposal of the above Criminal Appeals.

For Petitioners : Mr.M.Mohamed Riyaz
For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

COMMON ORDER

These petitions have been filed to suspend the sentence imposed on the Accused viz., M.Muralidharan & V.Sakthivel/A2 & A3, in SPL.C.C.No.108 of 2014 on the file of the learned Special Judge, (Special Court for Trial of Cases under the Prevention of Corruption Act), Salem dated 16.06.2022 and enlarge the Petitioners on bail till disposal of the above Criminal Appeals.

2.The Petitioners, who were A2 & A3 in Spl.C.C.No.108 of 2014, before the learned Special Judge, (Special Court for Trial of Cases under the Prevention of Corruption Act), Salem, were convicted and sentenced as follows:

“(1) 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 IPC



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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 one month.

(b) For the offence under section 167 IPC for A1 and for section 167 r/w 109 IPC for A2, A3. A1 to A3 are sentenced to undergo rigorous imprisonment for a period of One year each and to pay fine of Rs.1,000/ each in default to undergo simple imprisonment for one month.

(c) For the offence under section section 468 IPC for A1 and for section 468 r/w 109 IPC for A2, A3. A1 to A3 are 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 one month.

(d) For the offence under section section 471 IPC for A1 and for section 468 r/w 109 IPC for A2, A3. A1 to A3 are 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 one month.

(e) For the offence under section section 477-A IPC for A1 and for section 477 A r/w 109 IPC for A2, A3. A1 to A3 are



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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 one month.

The above sentences imposed shall run concurrently. Total fine to be paid by A1 to A3 Rs. 9,000/- ”

3.The case of the prosecution is that the Petitioners, who were public servants/A2 & A3 entered into a criminal conspiracy by forging the documents of the Salem City Municipal Corporation and committed offences punishable under Section 120-B, 167, 409, 468, 471, 477 (A) IPC and 109 of IPC. The Petitioners/A2 & A3 demanded and accepted bribe from the house owners for reducing the house tax and caused loss of Rs.4,19,030/- to Salem City Municipality Corporation during the period between second half of 1998-1999 and second half of 2005-2006.

4.The learned counsel for the Petitioners/A2 & A3 would submit that there are arguable points available in the Appeals and that the Petitioners herein have got a fair chance of succeeding the Appeals and would pray that the substantive sentence imposed against the Petitioners may be suspended.



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5.The learned Government Advocate, has raised objections for suspending the sentences.

6.Considering the facts and circumstances of the case, submissions of the learned counsels on either side and also considering the fact that there are arguable points in appeals, this Court is inclined to suspend substantive sentences of imprisonment alone on certain conditions.

7.Accordingly, till the disposal of the Criminal Appeals, the substantive sentences of imprisonment alone is suspended and the Petitioners/A2 & A3 are ordered to be enlarged on bail, on the following conditions:-

- i. The Petitioners shall execute separate bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), each with two sureties, each for a like sum to the satisfaction of the learned Special Judge, (Special Court for Trial of Cases under the Prevention of Corruption Act), Salem.
- ii. The Petitioners shall report before the said Court on the first



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working day of every English Calendar month at 10.30 a.m.,
until further orders.

12.07.2022
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Note: Issue order copy on 12.07.2022

To

1.The learned Special Judge,
(Special Court for Trial of Cases under
the Prevention of Corruption Act),
Salem.
(Spl.C.C.No.108 of 2014)

2.The learned Chief Judicial Magistrate,
Salem.
(Previously Spl.C.C.No.53 of 2010)

3.The Public Prosecutor,
High Court, Chennai 104.



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RMT.TEEKAA RAMAN, J.,

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Dated 12.07.2022

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