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Crl.M.P.No.9953 of 2022
in Crl.A.No.692 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.M.P.No.9953 of 2022
in Crl.A.No.692 of 2022

C.Ramesh Kumar

... Petitioner/Appellant/A2

Vs.

The State of Tamil Nadu represented by
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Erode V & AC,
Crime No.08/AC/2005/ER

... Respondent/Respondent

PRAYER: This Criminal Miscellaneous Petition has been filed under Section 389(1) of Cr.P.C, to suspend the sentence and conviction imposed against the petitioner by judgment dated 08.06.2022 in Spl.C.C.No.4 of 2015 passed by the learned Chief Judicial Magistrate, Special Court under Prevention of Corruption Act Cases, Erode and enlarge the petitioner on bail till the disposal of the above Criminal Appeal.

For Petitioner : Mr.A.V.Arun

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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ORDER

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The petitioner is the 2nd accused in Special C.No.4 of 2015.

2. This Criminal Miscellaneous Petition has been filed seeking suspension of the sentence and conviction imposed against the petitioner/appellant/A2 in Spl.C.C.No.4 of 2015 by the learned Chief Judicial Magistrate, Special Court under Prevention of Corruption Act Cases, Erode dated 08.06.2022 and enlarge the petitioner/A2 on bail till the disposal of the above Criminal Appeal.

3. The respondent police have filed final report in Special S.C.No.4 of 2015, alleging that when the defacto complainant-PW2 handed over the money to the accused, the 1st accused received it on the right hand and passed it on to the left hand. Thereafter, when the Trap Laying Team entered the office, he had committed the offence under Section 12 r/w 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act r/w Section 109 of IPC.

4. The trial Court has convicted the petitioner/A2 for this Charge and sentenced him to undergo RI for a period of 3 years and to pay a fine



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of Rs.5,000/- in default to undergo SI for 1 month for the offence under Section 12 r/w 7 of Prevention of Corruption Act and further sentenced to undergo RI for a period of 3 years and to pay a fine of Rs.5,000/- in default to undergo SI for 1 month for the offence under Section 13 (2) r/w 13 (1) (d) of Prevention of Corruption Act. The sentences of imprisonment are directed to run concurrently. Hence, the appeal. Pending appeal, the petitioner /A2 seeks suspension of sentence.

5. Heard the learned counsel for the petitioner/A2 and the learned Government Advocate (Crl. Side), who would contend that as against the A1, this Court has already dismissed the Suspension of Sentence on 05.07.2022 in Crl.M.P.No.8055 of 2022 in Crl.A.No.607 of 2022.

6. After perusal of the evidence of PW2-de facto complaint and PW4, the accompanying witness, both of them have stated that when the Tray Laying Team has entered the office, the A1-Venkatesan has handed over the money to the A2/petitioner herein and except the alleged statement, there is no overtact against this accused. Whether, A2 had knowledge about the tainted money being paid as a bribe, is a question



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that has to be decided in the appeal.

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7. Therefore, in view of the arguable points indicated by the learned counsel for the petitioner/appellant with regard to the alleged overtact of the petitioner/A2 and also the inconsistencies of the version of PW2 and PW4 with regard to the overtact of A2, this Court is of the view that the substantive sentences of imprisonment alone can be suspended on certain conditions.

8. Accordingly, till the disposal of the Criminal Appeal, the substantive sentences of imprisonment alone is suspended and the Petitioner/accused-2 is ordered to be enlarged on bail, on the following conditions:-

- i. The Petitioner/Accused-2 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Special Court under Prevention of Corruption Act Cases, Erode
- 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



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mobile numbers to ensure their identity; and

iii. The Petitioner/accused-2 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.

22.07.2022

Note: Issue order copy today.

Internet: Yes

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To

1. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Erode V & AC.
2. The Chief Judicial Magistrate,
Special Court under Prevention of Corruption Act Cases,
Erode District.
3. The Public Prosecutor,
High Court, Madras.



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RMT.TEEKAA RAMAN, J.

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(2/2)

22.07.2022