



*Crl.MP.No.12149 of 2022 in
Crl.A.No.859 of 2022*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2022

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THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.M.P.No.12149 of 2022

in

Crl.A.No.859 of 2022

S.Srinivasan, A/41 years,
S/o.Saravanan,
Formerly Village Administrative Officer,
Kamalam Taluk, Vikravandi Taluk,
Villupuram District.

... Petitioner/Accused

.Vs.

The State Rep. by its
Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Villupuram District.
V & AC.No.3 of 2015

... Respondent/Complainant

PRAYER : This Petition filed under Section 389 (2) of Cr.P.C., to suspend the sentence passed by the learned Chief Judicial Magistrate/Special Judge, Special Court for Prevention of Corruption Act cases Villupuram in Special Case No.1 of 2017 dated 20.07.2022 enlarge the Petitioner on bail, pending disposal of the above said Appeal.

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For Petitioner : Mr.S.Saravana Kumar

For Respondent : Mr.S.Udaya Kumar
Government Advocate

ORDER

This Petition has been filed to suspend the sentence, ordered by the learned Chief Judicial Magistrate/Special Judge, Special Court for Prevention of Corruption Act cases, Villupuram in Special Case No.1 of 2017 dated 20.07.2022 and enlarge the Petitioner on bail, pending disposal of the above said Appeal.

2.The Petitioner/A1 in Spl.C.No.01 of 2017, before the learned Chief Judicial Magistrate/Special Judge, Special Court for Prevention of Corruption Act cases, Villupuram, was convicted and sentenced as follows:

“3.For the offence committed u/s.7 of Prevention of Corruption Act the accused is sentenced to undergo rigorous imprisonment for one year and pay a fine of Rs.5000/- in default to undergo simple imprisonment for another three months. For the offence u/s.13(2) r/w13(1)(d) of the Prevention of Corruption act, the accused is sentenced to



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undergo rigorous imprisonment for two years and pay a fine of Rs.5000/- in default to undergo simple imprisonment for another three months. Both the sentences are ordered to be undergone by the accused concurrently. The period of remand if any already undergone by the accused in respect of this case is ordered to be set-off by invoking the provisions of Sec.428 of the Code of Criminal Procedure.(Total fine Rs.10,000/-).”

3.The case of the prosecution is that the Petitioner/A1 was working as Village Administrative Officer and for transfer of patta he demanded money from the complainant and on his instruction A2 received a sum of Rs.2,500/-. On the complaint dated 14.07.2015, lodged by PW5, a case was registered in Crime No.3 of 2015, for the offence under Section 7 of Prevention of Corruption Act. After completing the investigation, charge sheet was filed and the same was taken on file in Special Case No.01 of 2017, before the learned Chief Judicial Magistrate/Special Judge, Special Court for Prevention of Corruption Act cases, Villupuram.



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4.The learned counsel for the Petitioner/A1 would submit that there are arguable points available in the Appeal and that the Petitioner herein have got a fair chance of succeeding the Appeal and would pray that the substantive sentence imposed against the Petitioner may be suspended.

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

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 appeal and in view of the contradiction between Ex.P.1 and evidence of PW1, regarding alleged demand on 13.07.2015, and in view of the material contradiction between PW3 and PW5, regarding alleged demand on 14.07.2015, as to whether they have been in the Village Administrative Office when the the Trap was laid, I am inclined to suspend substantive sentence of imprisonment alone on certain conditions.

7.Accordingly, till the disposal of the Criminal Appeal, the



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substantive sentence of imprisonment alone is suspended and the
Petitioner/A1 is ordered to be enlarged on bail, on the following
conditions:-

- i. The Petitioner shall execute separate 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/Special Judge, Special Court for
Prevention of Corruption Act cases, Villupuram
- ii. The Petitioner shall report before the said Court on the first
working day of every English Calendar month at 10.30 a.m.,
until further orders.

17.08.2022
(2/2)

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Note: Issue order copy on 17.08.2022



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RMT.TEEKAA RAMAN, J.,

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To

1.The learned Chief Judicial Magistrate/Special Judge,
Special Court for Prevention of Corruption Act cases,
Villupuram.

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

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