



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Seventh day of January Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.14095 of 2021

in CRL.A.No.702 OF 2021

A.THANDAVA NATARAJAN

[APPELLANT/ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
UDHAGAMANDALAM,
(CRIME NO.2/2007/AC/NI)

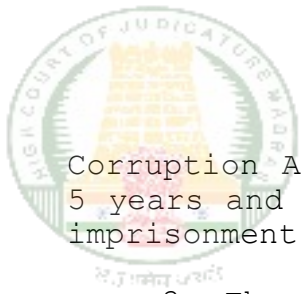
[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.702 OF 2021 on the file of the High Court, the High Court will be pleased to Suspend the execution of Sentence and conviction dated 26.11.2021 passed in Spl.CC.No.10/2015 against the accused by the Assistant Sessions Judge for cases under Prevention of Corruption Act, Udhagamandalam, The Nilgiris, enlarge the petitioner on bail pending disposal of the above Crl.A.No.702 of 2021.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.No.702 OF 2021 on the file of the High Court and upon hearing the arguments of M/S T.ARUNKUMAR Advocate for M/S.TAMIZH LAW FIRM, Advocate for the petitioner and of Mr.C.E.Pratap Government Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed seeking suspension of substantive sentence imposed on the petitioner by judgment dated 26.11.2021 made in Spl.C.C.No.10/2015 by the learned Assistant Sessions Judge/Special Judge for cases under Prevention of Corruption Act, Udhagamandalam, The Nilgiris, pending disposal of the criminal appeal and enlarge the petitioner on bail.

2. The petitioner is the sole accused in the above said Special Calendar Case. After full trial, the petitioner was convicted under Section 7 of the Prevention of Corruption Act and was sentenced to undergo rigorous imprisonment for 4 years and to pay a fine of Rs.3,000/- and under Section 13(2) r/w 13(1)(d) of Prevention of



Corruption Act he was sentenced to undergo rigorous imprisonment for 5 years and to pay a fine of Rs.3,000/- in default to undergo simple imprisonment for 3 months for each fine amount.

3. The case of the prosecution is that when the petitioner was working as Revenue Inspector at Udhagamandalam, the defacto complainant has approached him for legal heir certificate and the petitioner demanded Rs.500/- as illegal gratification. Based on the complaint, crime was registered and a trap was arranged, the petitioner was caught red handed and trial was conducted and the trial Court convicted the petitioner and sentenced him as stated above.

4. The learned counsel for the petitioner would contend that demand for illegal gratification has not been proved on the side of the prosecution. He further submitted that the amount was collected only for the purpose of Flag Day and for which receipt was also properly issued to the defacto complainant and without considering the same the trial Court has convicted the petitioner. The learned counsel further submitted that there are arguable points available in the criminal appeal and the petitioner has got a fair chance of succeeding in the criminal appeal. Therefore, the learned counsel would pray this Court to suspend the substantive sentences of imprisonment imposed against the petitioner.

5. The learned Government Advocate (Criminal Side) strongly opposed the petition for suspension of sentence. He would submit that for issuing legal heirs certificate the petitioner has demanded and received Rs.500/- and he was caught red handed and the prosecution has clearly established the demand and acceptance and the trial Court has rightly convicted the petitioner and therefore there is no reason to suspend the sentence.

6. This Court heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent/State and also perused the materials placed on record.

7. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side and also considering the fact that the petitioner is in jail from the date of conviction, this Court is of the view that the substantive sentences of imprisonment alone can be suspended on certain conditions.

8. Accordingly, this petition is allowed and till the disposal of the criminal appeal, the substantive sentences of imprisonment alone are suspended and the petitioner is ordered to be enlarged on bail, on the following conditions:-



(a) 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 Assistant Sessions Judge/Special Judge for cases under Prevention of Corruption Act, Udhagamandalam, The Nilgiris;

(b) the petitioner shall report before the said Court on the first Monday of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

07/01/2022

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 ASSISTANT SESSIONS JUDGE/SPECIAL JUDGE
FOR CASES UNDER PREVENTION OF CORRUPTION ACT,
UDHAGAMANDALAM, THE NILGIRIS.

2 INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
UDHAGAMANDALAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+2 C.C. to M/S.TAMIZH LAW FIRM Advocate on payment of necessary charges Sr.376

Order

in

CRL MP.14095/2021

in CRL.A.No.702 OF 2021

Date :07/01/2022

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RVR 10/01/2022