



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of June Two Thousand and Twenty Two

RESERVED ON : 24.06.2022

PRONOUNCED ON: 28.06.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl M.P.(MD) No.6687 of 2022
in
Crl.A.(MD) No.377 of 2022

P.KARTHIK
(NOW UNDER SUSPENSION)
(NOW CONTINUED AT CENTRAL PRISON, TRICHY) ... PETITIONER/APPELLANT
Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
KARUR.
CRIME NO.7 OF 2019.

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence of Imprisonment imposed on the Petitioner in Spl.CC.No.3 of 2021 on the file of the Learned Special Judge (Vigilance and Anti-Corruption)/Chief Judicial Magistrate, Karur by judgment dated.19.05.2022 and enlarge the Petitioner/Appellant on bail, pending disposal of the above said Criminal Appeal.

PRAYER IN CRL A(MD) No. 377 OF 2022:

To call for the records and set aside the judgment and sentence dated 19.05.2022 imposed in SPL CC No. 3 of 2021, on the file of the learned Special Judge (Vigilance and Anti Corruption)/Chief Judicial Magistrate, Karur.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.A.MURALIKUMAR, Advocate for the petitioner and of MR.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

The above petition has been filed seeking orders to suspend the sentence imposed on the petitioner/accused in Spl.C.C.No.3 of 2021, on the file of the learned Special Judge (Vigilance and Anti-Corruption)/Chief Judicial Magistrate, Karur, dated 19.05.2022 and enlarge him on bail till the disposal of the appeal.

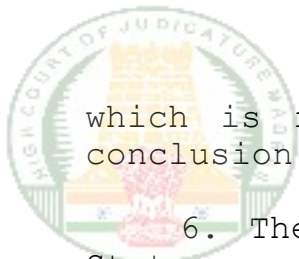


2. The case of the prosecution is that the petitioner is running a business under the name and style of "Dream innovations" at Trichy, that he and his family members purchased lands for doing agriculture, that he proposed to purchase a tractor, so as to do agriculture in that land, that he uploaded the details in agrimachinary.nic.in, so as to get the tractor under Central Assistant Scheme of Sub Mission on Agricultural Mechanization (SMAM), that he also paid the amount of Rs.4,00,000/- out of Rs.4,48,740/- and purchased the tractor on 07.09.2019, that the accused also inspected the tractor on 07.09.2019, that the defacto complainant checked the status of his application on 13.09.2019 through website and found that the subsidy was sanctioned, that when the defacto complainant went to the office of the accused and enquired about the releasing of subsidy amount, the accused demanded a sum of Rs.22,500/- for releasing the subsidy amount and that in pursuant to the earlier demands made on 30.10.2019 and 04.11.2019, the defacto complainant met the accused nearby his office and the accused reiterated his earlier demand and obtained Rs.22,500/- as bribe. Hence, the present case was registered against the accused under Section 7 of the Prevention of Corruption Act, 1988(As amended by 2018 Act) in Cr.No.7 of 2019. After investigation, a charge sheet has been filed and the same was taken on file in Spl.CC.No.3 of 2021.

3. During trial, 13 witnesses have been examined by the Prosecution as P.W.1 to P.W.13 and 31 documents have been exhibited as Exs.P.1 to P.31 and 5 material objects were marked as M.O.1 to M.O.5 and the petitioner/appellant has examined one witness as D.W.1, however, no documents has been exhibited on his side and Court exhibits Exs.C.1 to C.4 were also marked. The learned Special Judge (Vigilance and Anti-Corruption)/Chief Judicial Magistrate, Karur, upon considering the evidences adduced and on hearing the arguments of both sides, has passed the impugned judgment dated 19.05.2022, convicting the petitioner/accused for the offence under Section 7(a) of the Prevention of Corruption Act, 1988 (As amended by 2018 Act) and sentenced him to undergo 5 years Rigorous Imprisonment along with a fine of Rs.25,000/-, in default to undergo 1 more year Rigorous Imprisonment

4. Challenging the judgment of conviction and sentence imposed on him, the second accused has preferred the above Criminal Appeal along with the application for suspension of sentence.

5. The learned Counsel for the petitioner would submit that the demand and acceptance on the day of the trap is not substantiated by any independent witness. He would further submit that P.W.4 in his cross examination has stated that the petitioner has no right to release the subsidy amount and the petitioner has no role after the verification of the tractor. He would also submit that the trial



which is favourable to the petitioner and has come to a conclusion.

6. The learned Additional Public Prosecutor appearing for the State would submit that the evidence of P.W.2 clearly and categorically would show that on the day of trap, the petitioner demanded Rs.22,500/- and accepted the bribe amount and the same was clearly and categorically corroborated by the evidence of P.W.3 and that the Investigation Officer has stated in the final report that the petitioner/accused has demanded and accepted the bribe for processing and to release the subsidy amount to the defacto complainant. He would further submit that the trial Court has rightly appreciated the chief and cross examination of the witnesses and came to a right conclusion that the petitioner/accused has committed the offence and the prosecution has proved the charges beyond all reasonable doubts and convicted the petitioner/accused.

7. Considering the seriousness and the gravity of the offence alleged and also the fact that the impugned judgment was passed only on 19.05.2022 and also taking note of the period of incarceration, this Court is not inclined to suspend the sentence at this point of time.

8. In the result, the Criminal Miscellaneous Petition is dismissed.

sd/-
28/06/2022

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/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE CHIEF JUDICIAL MAGISTRATE
SPECIAL JUDGE (VIGILANCE AND ANTI-CORRUPTION), KARUR.
- 2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION, KARUR.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.6687 of 2022in
Crl.A.(MD) No.377 of 2022

Date :28/06/2022

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<https://www.mhcc.org.in/> 1/30.06.2022/3P/5C