



Crl.R.C.No.1276 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.R.C.No.1276 of 2023

Sherin Joy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vigilance and Anti Corruption,
Perambalur.

(Crime No.1/2020 dated 29.01.2020)

... Respondent

Prayer: Criminal Revision Case is filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the judgment in Crl.M.P.No.1918 of 2022 dated 25.01.2023 in Spl.C.C.No.01 of 2022 on the file of the Special Judge / Chief Judicial Magistrate at Perambalur for offences under Sections 7(a) of the Prevention of Corruption Act, 1988.

For Petitioner : Mr. C.Bala Subramaniam

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

ORDER

The petitioner herein, who was caught for receiving bribe of Rs.2,000/-
from the defacto complainant for recommending the application to get the



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benefit of Ramamirudham Ammaiya Thirumana Neethi uthavi thittam, is before this Court challenging the order of the trial Court dated 25.01.2023, dismissing her discharge petition. While preferring the said revision, there is a delay of 50 days. Therefore, the miscellaneous petition to condone the delay is filed along with the revision petition.

2. On perusing the record and the affidavit filed in support of Section 5 application, this Court finds that the petitioner claims that she was trapped by the defacto complainant falsely by giving certain documents along with tainted money stealthily. She never demanded any illegal gratification. Therefore, the order of the trial Court, dismissing the discharge petition is to be set aside and she must be discharged.

3. On perusing the impugned order, this Court finds that the accused admits the trap proceedings conducted by the respondents on 29.01.2020 and the recovery of a sum of Rs.2,000/- from her. Her defence is that money was stealthily kept along with the other documents submitted to her and she never demanded any illegal gratification. These are facts to be proved in the trial since the statute provides for presumption and also right to the accused to rebut such presumption, while so, discharge from prosecution is not legally



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sustainable. The trial Court has assigned reason for dismissal of the discharge petition and this Court finds no perversity or illegality in the order. Hence, this Criminal Revision Case is dismissed.

11.07.2023

Index : Yes/No

Neutral Citation : Yes/No

AT

To

1.The Special Judge / Chief Judicial Magistrate,
Perambalur

2.The Inspector of Police,
Vigilance and Anti Corruption,
Perambalur.

3.The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN,J.

AT

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