



Crl.M.P.No.10496 of 2023

in

Crl.A.No.763 of 2023

Dr.G.JAYACHANDRAN, J.

WEB COPY

The petitioner herein was prosecuted for offence under Section 7 and 13(2) r/w 13(1)d of the Prevention of Corruption Act, 1988 for demand and acceptance of Washing Machine and Refrigerator from the defacto complainant besides cash of Rs.10,000/- for permitting the defacto complainant to continue his quarry business at S.No.144, Karthikeyapuram, Thiruthani Taluk.

2. The trial Court has convicted the petitioner to undergo Rigorous Imprisonment for four years and a fine of Rs.20,000/- in default, to undergo Simple Imprisonment for three months under Section 7 and 13(2) r/w 13(1)d of the Prevention of Corruption Act, 1988.

3. Against the said conviction and sentence, the petitioner has preferred an appeal along with this petition for suspension of sentence and the same is pending. He seeks suspension of sentence on the ground that there is a lacuna in the prosecution case, therefore there is a possibility of acquittal.

4. Learned counsel appearing for the petitioner pointed out certain lapse in prosecution case, which according to him is sufficient to reverse the finding of the trial Court. However, detailed counter affidavit filed by the State narrating how the trap was laid and the prosecution witnesses have supported the case of the prosecution.



Dr.G.JAYACHAND



5. Taking note of the nature of the offence and finding, this Court is not inclined to entertain the suspension of sentence at present and the same is dismissed. If the appeal is not taken up within a period of six months, the petitioner is at liberty to approach this Court for suspension of sentence.

03.08.2023

rkp

Crl.M.P.No.10496 of 2023
in
Crl.A.No.763 of 2023