



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

Friday, the Twelfth day of May Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.5549 of 2023
IN
CRL A(MD)No.275 of 2023

S.P.SELVARAJ ... PETITIONER/APPELLANT
(FORMELY INSPECTOR OF POLCEI,
SIRAGANUR POLICE STATION, TRICHIRAPPALLI DISTRICT)
(NOW CONFINED AT CENTRAL PRISON, TRICHY)

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION DEPARTMENT,
TIRUCHIRAPPALLI.
(IN CRIME NO.15/2006). ... 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 imposed by the Learned Special Judge for Trial of Cases under the prevention of corruption Act at Tiruchirappalli in Spl.Case No.60/2011 dt.28/3/2023 and enlarge the petitioner on bail pending disposal of this present Crl.A.

PRAYER IN CRL A(MD)No.275 of 2023:

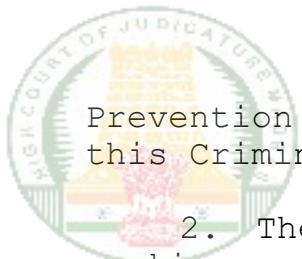
Pleased to call for the records and to setaside the conviction and sentence imposed by the learned Special Judge for trial of cases under the prevention of corruption Act at Tiruchirappalli in Spl.Case No.60 of 2011 on 28.03.2023 as against the Appellant/Sole Accused under Sections 7 and 13(1)(d)r/w 13(2) of Prevention of Corruption Act and thereby allow this Criminal Appeal.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.VENKATESAN S, Advocate for the petitioner and of Mr.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the Court made the following order:-

Reserved on : 26.04.2023

Delivered on :12.05.2023

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in Spl.S.C.No.60 of 2011, dated 28.03.2023, on the basis of the order of the Special Judge for trial of cases under the



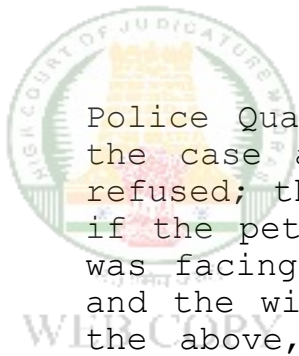
Prevention of Corruption Act, Tiruchirappalli, till the disposal of this Criminal Appeal.

2. The case of the prosecution is that the petitioner was working as Inspector of Police, Siruganur Police Station, Trichy District from 10.02.2006 to 01.11.2006; that the defacto complainant was canvassing in favour of his sister in the local body election; that one Santhakumar was working in favour of Maheswari; that on 13.10.2006 at about 04.00 pm Sathakumar and his men assaulted the defacto complainant and his sister Santhi; that the injured Santhi was admitted in Perembalur Hospital and he got discharged on 16.10.2006; that the defacto complainant, who went to Chennai coming to know about that the Police is searching for Srinivasan, he went to Siruganur Police Station and met the Inspector of Police; that the petitioner informed the said Srinivasan that his opponent Dharmaraj had already given a complaint against him as if he was assaulted and was admitted in the hospital; that the said Srinivasan pleaded not guilty, that the petitioner had demanded a sum of Rs.10,000/- as illegal gratification for registering a case for lesser serious offence; that when the Srinivasan expressed his inability to pay the bribe money, he reduced the amount and demanded to pay Rs.6,000/- ; that the said Srinivasan not willing to pay any bribe amount, lodged a complaint and on that basis a case was registered in Crime No.15 of 2006 for the offence under Section 7 of Prevention of Corruption Act; that when the said Srinivasan met the accused on 01.11.2006 at about 18.45 hours, the petitioner reiterated his earlier demand and obtained the same from Srinivasan; that trap was planned and executed and that after completing the investigation, the respondent has laid the final report.

3. During the trial, the prosecution has examined 19 witnesses as P.W.1 to P.W.19 and exhibited 50 documents as Ex.P.1 to Ex.P.50. The accused has examined two witnesses as D.W.1 and D.W.2 and exhibited one documents as Ex.D.1.

4. The learned Special Judge, upon considering the evidences adduced and on hearing the arguments on both the sides, has passed the judgment dated 28.03.2023 convicting the petitioner/accused for the offence under Section 7 of Prevention of Corruption Act and sentenced him to undergo one year Rigorous Imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo six months simple Imprisonment; under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act and sentenced him to undergo five years Rigorous Imprisonment and to pay a fine of Rs.10,000/- in default to undergo six months simple imprisonment. Aggrieved by the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

5. The learned counsel for the petitioner would submit that P.W.1 to P.W.19 and other official witness Mohan met the petitioner in the



Police Quarters and requested him to help Srinivasan and at the case against him is trapped; that the petitioner has flatly refused; that P.W.4 and witness Mohan seduced the said Srinivasan as if the petitioner had demanded money to discharge from the case he was facing; that the petitioner got irritated and abused the P.W.4 and the witness Mohan; that P.W.4 and the witness Mohan enraged by the above, had instigated P.W.2 and see that the petitioner was taken to task and thereby wreck vengeance; that the prosecution has falsely foisted the above case against the petitioner; that the evidence of P.W.18 is patently false; that he has not received any amount from the Srinivasan as bribe amount and that he does know as to how the said money was in his pocket; that the prosecution has not chosen to examine four police constables, who were available in the writer's room when the vigilance visited their office; that the said Srinivasan had bad antecedents and he was not a genuine person and that the said Srinivasan was in the habit of making false complaints before the Vigilance and Anti-Corruption and that if the petitioner's statement if read in conjunction with Ex.P.16 to Ex.P.24 his plea appears more probable, possible and logically sound.

6. The learned counsel for the petitioner would further submit that the petitioner is having good *prima facie* case on its merits.

7. The respondent has filed a counter statement denying the petitioner's averments and raised serious objections to suspend the sentence.

8. The learned Additional public Prosecutor appearing for the State would submit that the defence has not proved that the said Srinivasan is a man of bad characters; that the character of said Srinivasan cannot be judged adversely; that the evidence P.W.4 stand corroborated by the witnesses P.W.11, P.W.14 and P.W.18 and P.W.19 and that the trial Court, upon considering the evidences available on record, has rightly come to the decision that the charges framed against the petitioner were true.

9. As rightly contended by the learned counsel for the petitioner, the impugned judgment was passed on 28.03.2023.

10. Considering the seriousness and gravity of the offence allegedly proved and also taking note of the fact that the impugned judgment was pronounced on 28.03.2023 and the period of incarceration, this Court is not inclined to suspend the sentence at this point of time.

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

sd/-

12/05/2023

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

DAS

<https://www.mhc.tn.gov.in/judis>



- 1 THE SPECIAL JUDGE FOR
TRIAL OF CASES UNDER THE PREVENTION OF
CORRUPTION ACT AT TIRUCHIRAPPALLI.
- 2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION DEPARTMENT,
TIRUCHIRAPPALLI.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.5549 of 2023
IN
CRL A (MD) No.275 of 2023
Date :12/05/2023

SS/MMS/SAR-III/18.05.2023/ **4P/ 5C**