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CRL MP(MD)



23

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

Tuesday, the Eighteenth day of April Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.6170 of 2023

in

CRL A(MD) No.309 of 2023

D.VENUGOPAL

... PETITIONER/APPELLANT/ACCUSED NO.

Vs

State Rep.by
THE INSPECTOR OF POLICE
V AND AC WING,
TIRUCHIRAPPALLI,
(CRIME NO.3/2012)

... RESPONDENT/RESPONDENT/COMPLAINANT

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 in Judgment dated 17.03.2023 made in Spl CC No.9/2013 on the file of the Special Court of Trial Cases under Prevention of Corruption Act, Tiruchirappalli and enlarge the Petitioner on bail.

PRAYER IN CRL A(MD) No.309 of 2023 :

To call for the records and set aside the judgment passed against the Appellant on 17.03.2023 in SPL.CC.No.9 of 2013 on the file of the Learned Special Court for Trial of Cases Under Prevention of Corruption Act, Tiruchirapalli and acquit the petitioner from all the charges.

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.NIRESH KUMAR.R, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned Special Judge for Trial of Cases under Prevention of Corruption Act, Tiruchirappalli in Spl.C.C.No.9 of 2013, dated 17.03.2023, till the disposal of the appeal.

2. The case of the prosecution is that the petitioner/accused demanded bribe of Rs.2,000/- from the defacto complainant for arranging the payment of salary arrears and on that basis, FIR came to be registered in Crime No.3 of 2012.

3. The respondent police, after completing the investigation, has filed the final report and the case was taken on file in

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



Spl.C.C.No.9 of 2013 and the same was pending before the Trial Court for Trial of Cases under Prevention of Corruption Act, Tiruchirappalli.

4. During trial, the prosecution has examined 13 witnesses as P.W.1 to P.W.14, exhibited 24 documents as Ex.P.1 to Ex.P.24 and marked 5 material objects as M.O.1 to M.O.5.

5. The learned Special Judge, upon considering the evidence, both oral and documentary and on hearing the arguments on both the sides, has passed the impugned judgment dated 17.03.2023 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 and convicting the petitioner/accused for the offence under Section 13(2) r/w 13(1)(d) (i) of Prevention of Corruption Act and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo six months simple imprisonment and further ordered that both the sentences of imprisonment to run concurrently. The Trial Court has suspended the sentence imposed on the petitioner till 17.04.2023. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6. The learned Additional Public Prosecutor appearing for the State would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

7. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would also submit that the petitioner has already paid the fine amount.

8. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

9. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of suspension of sentence.



10. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) the petitioner is directed to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Special Court for Trial of Cases under Prevention of Corruption Act, Tiruchirappalli;

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-

18/04/2023

/ TRUE COPY /

19/04/2023

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

das

TO

1 THE SPECIAL JUDGE FOR TRIAL OF CASES
UNDER PREVENTION OF CORRUPTION ACT,
TIRUCHIRAPPALLI.

2 THE INSPECTOR OF POLICE, V AND AC WING, TIRUCHIRAPPALLI.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.NIRESH KUMAR.R, Advocate (SR-6045[I] dated
18/04/2023)

ORDER IN
CRL MP(MD) No.6170 of 2023
in
CRL A(MD) No.309 of 2023
Date :18/04/2023