



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

Thursday, the Twenty Seventh day of April Two Thousand and Twenty
Three
PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL MP(MD) No.7036 of 2023
in
CRL A(MD)No.364 of 2023

LAKSHMI NARAYANAN

... APPELLANT/SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
THOOTHUKUDI DISTRICT.
CRIME NO. 1 OF 2006

... 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 on the petitioner in Spl C.C No. 1 of 2007 dated 12.04.2023 on the file of the Learned Special Judge/ Chief Judicial Magistrate, Thoothukudi and enlarge the petitioner on bail pending disposal of the above appeal

PRAYER in CRL A(MD)No.364 of 2023:

Pleased to admit the appeal preferred by the Appellant/Sole Accused and call for the records from the lower court and set aside the conviction and sentence imposed on the appellant by the Learned Special Judge/Chief Judicial Magistrate, Thoothukudi in Spl.C.C.No.1 of 2007 dated 12.04.2023.

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.N.ANANTHA PADMANABAN, Senior Counsel for M/S.APL LAW ASSOCIATES, for the petitioner and of Mr.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent While admitting the CRL A., the Court made the following order:-

This Criminal Miscellaneous P etition has been filed to suspend the sentence imposed on the petitioner by the learned Special Judge cum Chief Judicial Magistrate, Thoothukudi, in Spl.C.C.No.1 of 2007, dated 12.04.2023, till the disposal of this Criminal Appeal.

2. The case of the prosecution is that the petitioner/sole accused, who was working as a Selection Grade Accountant of the District Treasury, Thoothukudi, demanded bribe of Rs.2,000/- from the defacto complainant with respect to preparing the bill for getting pension arrears amount of his mother and that on 08.08.2006, the petitioner obtained a sum of Rs.2,000/- from the defacto complainant and on that basis, FIR came to be registered in Crime No.1 of 2006 for the offence under Section 7 of Prevention of Corruption Act.



3. The respondent police, after completing the investigation, has filed the final report and the case was taken on file in Spl.C.C.No.1 of 2007.

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4. During trial, the prosecution has examined 13 witnesses as P.W.1 to P.W.13, exhibited 21 documents as Ex.P.1 to Ex.P.21 and marked 10 material objects as M.O.1 to M.O.10. The defence has examined 3 witnesses as D.W.1 to D.W.3.

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 12.04.2023 finding the petitioner guilty for the offences under Sections 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act and sentenced him to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 2 months Simple Imprisonment for the offence under Section 7 of Prevention of Corruption Act and to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 2 months Simple Imprisonment for the offences under Sections 13(2) r/w 13(1)(d) of Prevention of Corruption Act and that the above sentences were ordered to be run concurrently. The Trial Court has suspended the sentence imposed on the petitioner for a period of 30 days. Challenging the above said conviction and sentence, the accused has preferred the present Criminal Appeal along with the above petition for suspension of sentence.

6. The learned Senior 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 further submit that the petitioner has already paid fine amount.

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

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 Senior 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 grant of suspension of sentence.



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

(i) The petitioner shall 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 learned Special Judge cum Chief Judicial Magistrate, Thoothukudi;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal 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/-

27/04/2023

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/05/2023

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

CSM

TO

1 THE SPECIAL JUDGE/CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.APL LAW ASSOCIATES, Advocate (SR-6828[I] dated
27/04/2023)

ORDER

IN

CRL MP(MD) No.7036 of 2023

in

CRL A(MD)No.364 of 2023

Date :27/04/2023