



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

Thursday, the Fifteenth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.8358 of 2023
IN
CRL A(MD) No.275 of 2023

S.P.SELVARAJ

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI-CORRUPTION DEPARTMENT,
TIRUCHIRAPPALLI DISTRICT.
CRIME NO.15 OF 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 of 2011 dt.28.3.2023 and enlarge the Petitioner on bail pending disposal of this present Criminal Appeal.

PRAYER IN CRL.A(MD) .275/2023:

Pleased to call for the records and to set-aside 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/w13(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.VENKTESAN 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:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Special Judge, Special Court for Trail of Cases under the Prevention of Corruption Act, Tiruchirappalli, in Special Case No.60 of 2011, dated 28.03.2023, till the disposal of this Criminal Appeal.

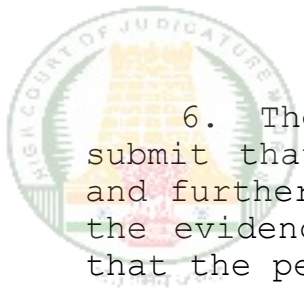


2. The case of the prosecution is that the petitioner was working as Inspector of Police, Siruganur Police Station, Trichy District from 10.02.2006 to 01.11.2006; that the defacto complainant was canvassing in favour of his sister in the local body election; that one Santhakumar was working in favour 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.

5. No doubt, the petitioner's earlier application for similar relief for suspension of sentence was ordered to be dismissed vide order dated 12.05.2023.



6. The learned counsel appearing for the petitioner 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 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 for trial of cases under the prevention of corruption Act at Tiruchirappalli;

(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 week i.e., on every Monday 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/-

15/06/2023

/ TRUE COPY /

16/06/2023

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



CSM
TO

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

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

3 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI-CORRUPTION DEPARTMENT,
TIRUCHIRAPPALLI DISTRICT.

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

+1. C.C. to M/S.VENKTESAN S Advocate SR.No.8905 (I) Dt.16/06/2023

ORDER

IN

CRL MP(MD) No.8358 of 2023
IN

CRL A(MD) No.275 of 2023
Date :15/06/2023

SA/VR/SAR. /16.06.2023/4P/6C