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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Friday, the Eighteenth day of August Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice DR. D. NAGARJUN

CRL MP(MD) No.11632 of 2023
IN
CRL A(MD) No.715 of 2023

R.PERIYASAMY

... APPELLANT/SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI-CORRUPTION WING,
TIRUCHIRAPPALLI.
(CRIME NO.12/2010).

... RESPONDENT/COMPLAINANT

Criminal Miscellaneous 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 of imprisonment passed in Spl.CC.No.3/2014 on the file of the Learned Special Judge for Prevention of Corruption/Chief Judicial Magistrate, Karur Dt.24/7/2023 and enlarge the petitioner on bail till the disposal of the Crl.A.

PRAYER in CRL A(MD)No.715 of 2023:

To call for record and set aside the conviction and sentence passed in Spl.C.C.No.3 of 2014 on the file of the Learned the Special Judge for Prevention of Corruption/Chief Judicial Magistrate, Karur dated 24.07.2023.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.MUTHUKAMATCHI V, Advocate for the petitioner and of Mr.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent while admitting the CRL A., the Court made the following order:-



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This petition is filed aggrieved by the judgment of the trial Court in Spl.C.C.No.3 of 2014 wherein finding the petitioner guilty of the offence under Sections 7 and 13 (2) r/w 13 (1) (d) of the Prevention of Corruption Act and sentencing the petitioner to undergo two years Rigorous Imprisonment and a fine of Rs.10,000/- in default to undergo six months Rigorous Imprisonment for the offence under Section 7 of Prevention of Corruption Act and three years Rigorous Imprisonment and a fine of Rs.10,000/- in default to undergo one year Rigorous Imprisonment for the offence under Section 13 (2) r/w 13 (1) (d) of the Prevention of Corruption Act.

2. Perused the grounds of the petition. It is the case of the petitioner/appellant that the trial Court has not considered the fact that P.W.1 sanction was not obtained independently and that the appellant has not demanded any illegal gratification from P.W.2 on 25.03.2010 and also failed to appreciate the fact that if at all on 25.03.2010, if any illegal gratification was demanded, he could have made a complaint immediately thereafter and that the trial Court has failed to appreciate as to the source of money of P.W.2.

3. Considering the submissions made by the learned counsel for the



petitioner and on hearing of learned Additional Public Prosecutor, the sentence in
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Spl.C.C.No.3 of 2014 is suspended, pending appeal by imposing the following
conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Special Judge for trial of cases under Prevention of Corruption Act, Trichirappalli.

(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 respondent police daily at 10.30 a.m and 5.30 p.m. until further orders.

sd/-
18/08/2023

/ TRUE COPY /

21/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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- 1 THE SPECIAL JUDGE FOR
PREVENTION OF CORRUPTION/CHIEF JUDICIAL MAGISTRATE,
KARUR.
- 2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI-CORRUPTION WING,
TIRUCHIRAPPALLI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.V.MUTHU KAMATCHI, Advocate (SR-12472[I] dated 18/08/2023)

ORDER
IN
CRL MP(MD) No.11632 of 2023
IN
CRL A(MD) No.715 of 2023
Date :18/08/2023

SS/21/08/2023/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023