BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 25.11.2022

Pronounced on : 23.02.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

Crl.A(MD)No.248 of 2017

Rathinavelu : Appellant/Accused

Vs.

State through the
Inspector of Police,
Vigilance Anti Corruption,
Sivagangai District. : Respondent/Complainant

Prayer: Criminal Appeal filed under section 374(2) of the Criminal Procedure Code, to call for the records in Special CC No.26 of 2014, dated 29/06/2017 on the file of the Special Judge for Prevention of Corruption Act Cases, Sivagangai.

For Appellant : Mr.AR.L.Sundaresan
Senior counsel
for Mr.J.Anandakumar

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

J U D G M E N T

This criminal appeal has been preferred against the judgment of conviction and sentence passed in Special CC No.26 of 2014, dated 29/06/2017 by the Special Judge for Trial of cases under Prevention of Corruption Act Cases, Sivagangai.

2.**The case of the prosecution in brief**:-

The first accused Rathinavelu was working as in-charge Village Administrative Officer between 27/12/2005 and 27/09/2008 in Singampunari North Group, Thiruppathur, Sivagangai District. The de-facto complainant approached A1 for transfer of patta in respect of the property purchased by him. At that time, A1 demanded Rs.2,000/- as illegal gratification for performing his official duty. Among the above said demand of Rs.2,000/-, Rs.1,700/- meant for himself and Rs.300/- for A2, who was working as Village Assistant namely Chellakkannu.

3.On the basis of the above said demand, which was made by A1, on 17/08/2006, a case was registered and trap was laid. In pursuance of the above said trap, both the accused received Rs.2,000/- as illegal gratification, on 27/09/2006 and after completing the formalities of investigation, final report was filed and it was taken in Special CC No.26 of 2014 by the trial court for the offences punishable under sections 7, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act.

4.Both the accused entered appearance on summons before the Chief Judicial Magistrate, Sivagangai. They were furnished with free copies of the documents relied upon by the prosecution under section 207 Cr.P.C and charges were framed under section 7, 13(2) r/w 13(1)(d) of the

Prevention of Corruption Act. When questioned about the offence both the accused pleaded not guilty and sought for trial.

5.On the side of the prosecution, 5 witnesses were examined and 36 documents marked, apart from 5 material objects. No oral or documentary evidence was adduced on the side of the defence.

6.**Now the case of the prosecution as narrated through the evidence is as follows**:-

PW3-Kumaresan is a resident of Madhurapuri village in Singampunari Taluk. He purchased the property in Survey Nos.155/7, 171/5A and 156/28 measuring about 55 cents from one Andiappan. Similarly in 2005, he purchased the property situated in Survey Nos.310/1A to an extent of 32-1/2 cents from one Subramanian. He wanted to construct a house in a portion of the property, for which, he required patta. So on 14/08/2006, he went to the accused office and made a request. He also asked to come after two days. On 17/08/2006 along with Boominathan and another, he again approached A1 and made a request and presented the xerox copy of the sale deed. At that time, he demanded Rs.2,000/- as bribe amount. He stated that it is a huge amount. But insisted payment of money. Apart from that, Rs.1,700/- must be paid to him and Rs.300/- to the Village Assistant. They came out of the office of the accused and promised to pay the money. At that time, one Chellakkannu and Chinnaiah, the Village Assistants were present out-side the office and demanded Rs.300/- each for them. He promised to come with the money. On 18/08/2006, he contacted A1 over phone. He directed to come with money. At that time, he lodged a complaint with the Inspector of Police, Vigilance & Anti-Corruption Department at about 11.45 am. His written statement was recorded by the Inspector of Police.

7.Further event is spoken by PW17-Pandiarajan, who was working as Inspector of Police, attached to the Vigilance & Anti-Corruption Department, Sivagangai. On 19/08/2006 at about 11.45 am, he recorded the statement of PW3 and reduced into writing and registered a case in Crime No.2 of 2006 for the offence under section 7 of the Prevention of Corruption Act. He despatched the original to the concerned court and the copies to the higher officials as per rules. He made pre-trap arrangement by requesting the Government to depute two responsible persons to assist the Department in making the pre-trap arrangement. In pursuance of the above said pre-trap arrangement, at about 2.30 pm on the same day, one Ravichandran and Krishnamoorthy attended the office. He introduced the above said persons to PW3. In turn, pre-trap arrangement was made by preparing the sodium carbonate solution and demo was conducted and the importance of the above said demo was explained to the witnesses and PW3. At that time, PW3 handed over Rs.2000/-, which was intended for giving the same to the accused. The above said currency notes were mentioned in the mahazar and all the witnesses signed in the mahazar. Sodium carbonate solution was prepared and he instructed PW5 and other witnesses to act in a particular manner and asked PW3 to give money to the accused, if demand is made. The entire event is reduced into writing and proper mahazar has been prepared, in which all the witnesses signed. At about 3.30 pm, all of them started from the Sivagangai Vigilance Department office and went to the office of the accused.

8.Further event is spoken by PW3. In pursuance of the above said instructions given by the Inspector of Police, along with the shadow witness, he went to the office of the accused and at that time, it was found locked. He was informed by a person in that place that the accused went for some other duty. They waited for half an hour. Later informed the police team about the non-availability of the accused. Later, he made enquiry with the Village Assistant namely Chellakkannu. He informed that the Village Administrative Officer went to attend the meeting and told that he will come to the office only on Monday. At that time, the above said Chellakkannu asked him to give the money to him, so that after taking his share amount, he will give the balance amount to the first accused. At about 06.45 pm, it was informed to the Inspector of Police. The money was received by the Inspector of Police and he verified and later, it was given to him and asked to come on Monday, if he is willing to pursue the matter for which, mahazar was prepared and in that mahazar, all the witnesses signed.

9.In the night, he contacted A1 and he could not meet on 21/08/2006 and on his way, one Magesh told him that A1 is going on other duty and asked him to come on Wednesday. At about 11.30 am, he went to the office of the Vigilance Department and informed them. At that time, the shadow witness, and another witness Ramesh were present. So the Inspector of Police asked them to come on Wednesday and again another, mahazar was prepared with regard to the above said event and in the mahazar, all the witnesses signed.

10.On 28/02/2006 at about 6.30 pm, when he went to Singampuneri, the Village Assistant Chellakkannu, met and enquired about whether he met the Village Administrative Officer. The above said Chellakkannu informed PW2 to come along with money. It was demanded again on 28/03/2006 at about 10.30 am. He went to the Vigilance Department office and told the Inspector about his visit to the office of the first accused. Again the above said money, which was smeared with phenolphthalein powder was given. Again, sodium carbonate solution was prepared and further demo was undertaken, for which a mahazar was prepared, in which all the witnesses signed. Then all of them started to the office of the accused at about 11.45 am. The police team got down near New Colony and hiding in a nearby place. Along with the witness Krishnamoorthy, he went inside the office of A1. At that time, A1 was not available. They informed the police team and in turn, they asked to wait. At about 2.00 pm, A1 came to the office and he made an enquiry with regard to the patta. He told him to give petition to the Tahsildhar, Tirupatthur. Again the above said occurrence was informed to the police. The Inspector of Police namely Pandiarajan asked him to keep the money, if he is willing to come, on 25/08/2006, for which another mahazar was prepared. On 24/08/2006, he went to the Tahsildhar office at Tirupatthur and presented the petition for patta transfer. On 12/09/2006, again they went to the Tahshidhar office, Tirupattur and contacted one Sivaraman about the stage. He told him that the Adangal is not available along with the request. So he has to obtain patta and Adangal through online. Again, he was asked to contact the Village Administrative Officer and get the report. On the same day, he went to the office of A1 and presented the same to him. After 10 days, he contacted A1. At that time, he was told that they are very busy and may contact Chellakkannu and asked him to bring the money and on 26/09/2006, again, he met A2 in Singampunari. At that time, he asked to come in the evening to the office along with money. Again on 27/09/2006 at about 12.00, he again went to the office of the Vigilance and Anti-Corruption Department and informed the Inspector of Police, Pandiarajan and gave money, which was intended for giving as bribe to the accused. The above said currency note was smeared with phenolphthalein powder and again sodium carbonate solution demo was undertaken. The money, which was treated with phenolphthalein powder was returned to him and directed them to follow the instructions and give the money to the accused if demanded.

11.Again they started towards the office of the accused along with the official witnesses and police team. They went to the office and stopped nearby place and the police team were hiding in a nearby place. Along with the official witness, he went inside the office of the accused at about 03.55 pm. At that time, A2 only was available. He enquired whether money was brought by him. He gave money to Chellakkannu, he counted the same and has put it in his pocket and told him that he will inform the same the Village Administrative Officer. He went inside the office of A1 and at that time, A1 asked him, whether he has given the money to the Village Assistant Chellakkannu. He informed the said giving of money and Al told him that he will make a recommendation. So both of them came out of the office of the accused and made a signal as instructed earlier. Enquiry was made with him before the Inspector of Police and told the entire events.

12.The further event is spoken by PW17 Pandiarajan. The second accused Challakkannu was identified by witness Krishnamoorthy. The sodium carbonate solution was prepared and Chellakkannu was required to dip his right hand in the separate solution. In both times, it turned pink. Both of them collected in a separate container, labelled and sealed. On enquiry, the second accused Chellakkannu explained that for the purpose of transferring patta, the above said money was received by him. The money was handed over by Chellakkannu from his pocket. The concerned note compared with that of the mahazar prepared earlier and found tallied. For the above said recovery, another mahazar was prepared, in which all the witnesses signed. On further enquiry, A1 handed over the patta transfer request made by

PW3. At that time, the Revenue Inspector Magesh came to the office and in pursuance of the request made by him earlier, PW3 was required to narrate the events to him. On enquiry, he replied that no such demand was made by him. Similarly, the Village Assistant Chellakkannu replied that he did not receive any money from PW3. From the office, the above said request made by PW2 for changing of patta was recovered. Arrest was made at about 07.00 pm, for which also, a detailed mahazar has been prepared. Further search was made in the house of the accused persons. But no recovery was made and further process was undertaken.

13.Further investigation was undertaken by PW18, who was working as Inspector of Police during the relevant time. He recorded the statement of the witnesses, sent the material objects for chemical examination and after obtaining the sanction order by completing the official formalities, final report was filed by charge sheeting the accused for the offences punishable under sections 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act.

14.PW4 is the shadow witness, who participated in the pre-trap event and corroborated PW3 and the Trap Laying Officer in material particulars and also signed in all the documents prepared during the course of pre-trap and trap events.

15.PW5 is the brother of PW3. He accompanied PW3 on 17/08/2006, when he went and met an accused. At that time, A1 demanded Rs.2,000/- as bribe and he witnessed the above said demand.

16.PW6 is another relative of PW3 and on 21/08/2006, A1 informed him to accompany PW3 to meet an accused in his office, on 25/08/2006.

17.PW7 is another witness, who was working as Taluk Flying Squad in Sivagangai Collector office. On 27/09/2006 he was informed to go to the office of an accused and he went and participated in the further event at about 05.15 pm.

18.PW8 was working as Tahsildar in Tiruppathur as Election Officer. He has spoken about the preparation of Adangal and the file in TPT No.1215 of 2006.

19.PW9 was working as Assistant from 10/11/2005 to December'2007 in Thiruppathur Taluk Office Patta Transfer Branch. He dealt with the patta transfer file in TPT No.1215 of 2006, on 12/09/2006. PW3 contacted him and made enquiry about patta transfer request. He told that A1 Adangal extract is not available. Since PW3 stated that it is urgent, he handed over the above said file to PW3 to give it to A1 for making recommendation.

20.PW10 was the Scientific Assistant, who examined the material objects, which were sent by the Investigating Officer for chemical examination and sent a report.

21.PW11 was working as Junior Assistant on contract basis in Thiruppathur Taluk Office. He made side initial on 12/09/2006 in the 10-I Adangal and issued after getting the sanction from Tashildhar.

22.PW12 was working as Regional Deputy Tashildar from June 2006 to July 2007 in Singampunari area. He also dealt with the file namely TPT No.1215 of 2006. After perusing the records, he issued a patta transfer, on 29/09/2006.

23.PW13 is not a material witness to the subject matter and PW14 was also dealing with the above patta transfer order in TPT No.1215 of 2006 and he made side initial in the petition. PW15 is also not the material witness to the subject matter.

24.During the pendency of the trial process, A2 namely Chellakkannu died, on 19/04/2021. So the charge against him abated. A1 alone faced the trial.

25.Appeal against conviction and sentence.

26.After several attempts to trap, finally, it succeeded, on 27/09/2006, when the deceased A2 received Rs.2,000/- from PW3.

27.It is the case of the prosecution that only at the instance of the first accused, the second accused accepted the money for himself and as well as on behalf of the present accused namely A1. So both were charge sheeted under sections 7 and 13(1)(d) of the Prevention of Corruption Act.

28.At the first instance itself, the learned Senior counsel appearing for the appellant would submit that absolutely, there is no evidence on record to show that there was a demand by the A1, and the acceptance has also been made only by A2. So that cannot be made to the appellant/A1. He has brought on record. On several incidence, which according to him, makes out a false case with regard to demand and acceptance of the money with regard to the appellant/A1.

29.Before that, we will go to the background facts.

30.PW3 is the de-facto complainant and there is no denial on the part of the appellant that he previously purchased the property in two areas.

31.Now let us go to the dates and events as spoken by PW3.

32.The first visit was made on 14/08/2006 to the present accused office namely the appellant herein. Again on 17/08/2006, PW3 visited the office along with Boominathan, who was examined as PW5. At that time, the first accused received the xerox copies of the sale deeds. The demand was made at the first instance. He promised to arrange for patta by himself. Again on 18/08/2006, he telephoned the first accused and at that time also, he demanded Rs.2,000/- and met him on 19/08/2006 and on that date itself, he lodged a complaint with the respondent. This is the event spoken by PW3.

33.Next, trap was laid on several dates and as mentioned in the preamble portion, the trap was laid on 29/07/2006 that too when A2 accepted the money. In between from the evidence on record in the form of official witnesses, the request was received, on 24/08/2006. The trap was laid, on 12/09/2006 failed. Similarly, the second trap laid, on 21/08/2006 also failed. Again, on 23/08/2006, it failed. In pursuance of this only, on 24/08/2006, the request was made officially.

34.PW9 would say that the above said patta transfer request was pending for consideration and action. But at that time, 10(1) Adangal was not available. It was informed to PW3 on 11/09/2006, when he visited the office that PW3 has immediately obtained 10(1) Adangal and gave it to PW9. At that time, PW3 has stated that it is an urgent file in TPT No.1215 of 2006. So the file was given to PW3, for being handing over to the present accused/A1 for making recommendation.

35.Now again PW3, on the same day handed over the file to the present accused(A1). After 10 days, PW3 contacted A1 for the order. Again on that date, he demanded Rs.2,000/-. On 6/09/2006, PW3 meet A2 Chellakkannu and at that time, Chellakkannu demanded the above said Rs.2,000/- stating that A1 asked him to get money from PW3. Again, on 27/09/2006, another trap was laid and this time, the accused officer namely the appellant/A1 was also present in the office, but whereas, A2 accepted the money on behalf of A1. So this is the event.

36.From the above said events, it has been established on the side of the prosecution that several visits have been made by PW3 for patta, even after making the request through the official process. The evidence of PW9 cannot be doubted on any ground with regard to the fact of handing over of the patta transfer file to PW3 for having recommendation of A1. While so, that procedure adopted by PW9 is not proper and legal also. Since PW3 insisted that it is an urgent matter, the above said file has been handed over urgently only to PW3, for which PW9 ought to have been departmentally proceeded for handing over the official file, and not to a party to the proceedings.

37.Now whatever it may be, now this event is not disputed by the accused. As mentioned above, his simple defence was that there was no demand and acceptance by A1. He did not also make any demand and accepted the money through A2 the deceased.

38.So with this background in mind, let us go further with regard to the demand, etc., facts.

39.The evidence of PW3 is supported by his own brother PW5. As mentioned above, PW5 stated that on 17/08/2006, he accompanied PW3 to the present accused officer'S office and at that time, he was holding additional in-charge of the village. After perusing the documents, he demanded Rs.2,000/-. When PW3 stated that it is bribe amount, the appellant/A1 has stated that out of the above said Rs.2,000/-, Rs.150/- each must be paid to two Village Assistants. At that time, A2 and one Chinnaiah also demanded Rs.150/- each for them.

40.So from the evidence of PW5, it is seen that on a particular date, there was a specific demand by the appellant/A1 as well as by A2 and one another Chinnaiah. Absolutely, nothing is brought on record to disbelieve the evidence of PW5 on this aspect.

41.A motive was suggested to PW5 to the effect that on the basis of the report made by the accused officer(A), one Kasi @ Kasinatham, who was the Village Panchayat Head for the illegal sand mining and the above said Kasi was booked by RDO. The above said Kasi represented him and PW3 and only over the above said enmity, a false case has been given. He is also inimical to the accused. But this enmity has not been substantiated even by remote probability. So that cannot be taken into account now. So the initial demand that was made by the accused officer/A1 stands established through the evidence of PW3 and PW5.

42.Now let us go to the argument that was advanced by the appellant/A1 over the above said demand.

43.Let us go to the complaint. In the complaint, it has been stated that on 17/08/2006, PW5 also accompanied him. But, I find no difference in the averments made in the complaint and the evidence given by PW3 and PW5. It was stated that on 07/05/2006, they met the appellant/A1. But with regard to the first visit namely 14/08/2006, no date is mentioned in the complaint. But that cannot be taken as material contradiction. No doubt that there are some minor discrepancy between the complaint and the evidence. But it will no-way affect its reliability.

44.The learned Senior counsel appearing for the appellant/A1 would submit that if the initial demand made by the accused officer (A1) on 17/08/2006 is true, it would have been represented on subsequent event also. But that was not brought to him, whereas he advised PW3 to present the application through proper channel. So according to the learned Senior counsel, this will show no criminal intention on the part of the accused officer (A1). But on the date, in the above said background, the trap was laid as mentioned above. This will not strength the case of the appellant/A1 that there is no criminal intention on his part. Originally, he made a demand as spoken by PW5 also. So, it will not absolve by his criminal intention, because on the date of the trap, on which it succeed, this accused officer (A1) was also present in the office and on his behalf, A2 accepted the money, but in turn, it was also verified by the appellant/A1. So conjoint reading of this event will show that there was initial demand by the appellant/A1 and later that was accepted by A2 on his behalf also.

45.With regard to the evidence of PW6, even though an arguments has been advanced with regard to the reliability, it is only supporting evidence and no material in nature.

46.PW6 has stated that on 21/08/2006, when he went to Singampuneri, the appellant/A1 informed him that PW3 may come and see him on 23/08/2006. PW6 is reported to PW3. From his evidence, nothing has been brought on record, either in support of the prosecution or in support of the accused. Even though, it has been submitted that there was no such necessity, but there is no purpose for the prosecution to examine him as a witness to show the information, on 21/08/2006. This is only secondary in nature. We shall concentrate much upon his evidence. So this is the initial demand, which has been clearly established on the part of the prosecution without doubt.

47.Now let us go to the trap event. As mentioned earlier, several attempts failed and finally, it succeeded, when A2 received the money, on 27/09/2006. So PW3 has stated that at about 03.55 pm, when they entered into the office of an accused, A2 Chellakannu was available. He asked him whether he brought the money, which was demanded. PW3 handed over the money, it was received by A2 and he was counted and put the same in his shirt pocket. At his advise, he met the A1; At that time, A1 asked whether he gave money to A2; He answered in the affirmative and A1 replied that they are making arrangement and sent for recommendation. At that time, another Village Assistant Chinnaiah was also present.

48.Now much argument has been advanced with regard to the non-inclusion of Chinnaiah. We will discuss this in the later part of the judgment.

49.PW4 is the shadow witness. He would say that A2 demanded money from PW3 and accepted and put the same in his pocket. He asked PW3 to met the present accused namely A1. The appellant/A1 was also enquired with regard to the above demand of money and PW3 relied that money was given to Challakannu-A2. He promised to make recommendation for change of patta. At that time, A2 and another Village Assistant Chinnaiah were present.

50.No doubt that there was no advise on the part of the accused officer/A1 to give money to Chellakkannu/A2.

On that point, it was submitted by the learned Senior counsel appearing for the appellant/A1 that the explanation offered by A1 at the time of the trap is relevant for consideration. It was suggested to PW3 that when money was given to A2, A1 was not available in the office. While at the time of arrest of A2, A1 returned to the office. That was denied by PW3.

51.It was also suggested to him that the DSP, who visited the office, after the above said trap event was over, told that because of his Village Assistant, the present accused has been made as a scapegoat. But he has answered that he was not aware of the facts. So regarding the motive that was suggested by the appellant, as mentioned earlier, absolutely, there is no evidence, except the bald statement during the course of cross examination.

52.Regarding the deletion of the another officer Chinnaiah, PW18 has stated that no reason was mentioned by him, with regard to deletion. PW3 has given evidence to the effect that no statement was made by Chinnaiah. But only the appellant/A1 told PW3 that Rs.150/- must be given to two Village Assistants.

53.It is also further seen that right from the initial demand, and till the trap process, A2 and Chinnaiah were acting only on behalf of the accused officer (A1). Nowhere the above said Chinnaiah participated in the above demand and acceptance. But during the cross examination, PW3 has stated that on 17/08/2006, A2 and the above said Chinnaiah also demanded that they must be given Rs.300/-. But later, it appears that the above said Chinnaiah has not participated in the subsequent occurrence. During the trap also, he was not present and there was no acceptance by him also.

54.No doubt that for making demand, Chinnaiah has also been arrayed, but that has been omitted, because PW3 has stated in the subsequent stage that no demand was made by the above said Chinnaiah. Now whatever it may be, deletion of Chinnaiah will noway affect the prosecution or improve the case of the defence.

55.It has also been contended on behalf of the appellant/A1 that if really, there was any urgency, complaint would have been given immediately, because from the first demand and the complaint, 15 days lapsed. So according to him, urgency pleaded by PW3 was not at all true. But these are only minor factors, which will not affect the entire prosecution case.

56.It is the next argument on the side of the appellant/A1 that PW4 during the course of the investigation told that on 26/09/2006, both the Chinnakkannu and Chinnaiah promised PW3 to make arrangement for transfer of patta and if money is not paid by Wednesday, no patta transfer order will be issued. Similarly, PW4 has also stated during the course of investigation that when PW3 visited the office of the Vigilance Department, on 27/09/2006, the Trap Laying Officer asked PW3 to give money intended for bribe.

57.By pointing out this portion of the statement of PW4, during the course of investigation, it was contended by the appellant/A1 that absolutely, there is no evidence on record to show that only A1 demanded the above said money and Chinnakkanu-A2 accepted the same on his behalf also. But PW4 was only the shadow witness and he has given statement before the Investigating Officer with regard to the initial demand that was made by the accused officer (A1), but he may not be a proper person to speak the initial demand. The initial demand has been clearly established by the prosecution in the form of PW5 evidence, who corroborated PW3 on this aspect.

58.It is not even the case of the appellant/A1 that by misusing his name and official position, to make influence, the above said Chinnakannu and Chinnaiah demanded and accepted the bribe from PW3.

59.A motive has been suggested only to PW3. But circumstantial evidence clearly shows that only this appellant/A1 was instrumental in demanding the money, though it was accepted on his behalf by the deceased Chinnakannu/A2 from the de-facto complainant. The acceptance that was made by the deceased A2 is only at the instance of A1. So the contention on the part of the accused officer (A1) that since because, he did not accept the money personally, the charge framed again him will not lie, also may not lie. Section 12 of the Prevention of Corruption Act must be also included in the charge, apart from 13(1)(d) of the Prevention of Corruption Act. Demanding bribe and accepting the same through other persons will also attract section 13(2) of the Act.

60.Section 13(1)(d) of the Act reads as follows:-

> "if he,-(i)by corrupt or illegal means, obtains for himself or for any other person any valuable thing or pecuniary advantage; or
>
> (ii)by abusing his position as a public servant, obtains for himself or for any other person any valuable things or pecuniary advantage; or

(iii) while holding office as a public servant, obtains for any person any valuable things or pecuniary advantage without any public interest or

61.So this section squarely attracts the role that has been played by this accused person, obtaining money through other person by corrupt means squarely cover the offence. So I find no reason to differ from the view that was taken by the trial. But however, considering the fact that this appellant A1 is aged about 68 years in 2017 and now, he may be running 74 years and the manner in which, the offence said to have taken place, in my considered view that the imprisonment of three years, which imposed upon the appellant is reduced to **six months** of rigorous imprisonment under section 7 of the Prevention of Corruption Act; **and** imprisonment of three years imposed upon the appellant for the offence under section 13(1)(d) of the Prevention of Corruption Act **is reduced to one year rigorous imprisonment.** The period of incarceration during the investigation as ordered by the trial court is also set off, the fine amount is taken as fine imposed under sections 7 and 13(1)(d) of the Act, sustained.

62.With the above said modification, this criminal appeal is **partly allowed** with regard to sentence portion only.

23/02/2023

Index:Yes/No
Internet:Yes/No
Speaking/Non-speaking order

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To,

1.The Special Judge
for Prevention of Corruption Act Cases,
Sivagangai.

2.The Inspector of Police,
Vigilance & Anti-Corruption,
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

G.ILANGOVAN,J.,

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Crl.A(MD)No.248 of 2017

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