



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

Wednesday, the Eleventh day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.16474 of 2022
in
CRL A(MD) No.885 of 2022

V.R.MUNIYAPPASAMY

... PETITIONER/PETITIONER

Vs

State Rep.by
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
MADURAI
(CRIME NO.2 OF 2014)

... 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 Execution of Sentences of imprisonment passed in the judgment of conviction and sentence in Special Case No.30 of 2014 dated 29.11.2022 on the file of the learned Special Court for trial of Prevention of Corruption Act cases, Madurai and enlarge petitioner on bail, pending disposal of the main Criminal Appeal.

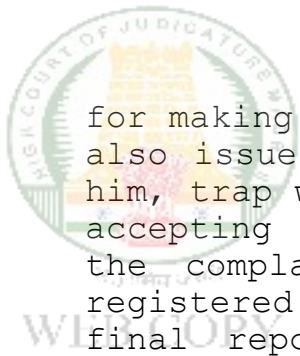
Prayer in CRL A(MD).885/2022 :

To call for the records pertaining to the judgment of conviction and sentences passed in Special Case No.30 of 2014 dated 29.11.2022 on the file of the learned Special Court for Trial of Prevention of Corruption Act Cases, Madurai and set aside the same as illegal and acquit the Appellant.

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.RAJA MOHAMED.B.N, Advocate for the petitioner and of MR.RAVI, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the petitioner in Special Case No.30 of 2014, dated 29/11/2022 by the Special Court for Trial of Prevention of Corruption Act Cases, Madurai and enlarge the petitioner on bail pending disposal of the criminal appeal.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that the petitioner demanded Rs.1,000/-



for making arrangement to sub-divide the property belongs to and also issue separate patta. On the basis of the complaint lodged by him, trap was laid and in the course of the above said demanding and accepting the bribe amount, he was arrested on the spot. Based on the complaint given by the de-facto complainant, the case was registered and after completing the formalities of investigation, final report has been filed for the offences punishable under sections 7, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988.

3. During the trial process, on the side of the prosecution, 13 witnesses were examined and 20 documents were marked, apart from 5 material objects also marked. On the side of the accused, one witness was examined and no document was marked.

4. At the conclusion of the trial, the trial court found the petitioner guilty and sentenced him to undergo 3 years of rigorous imprisonment and imposed a fine of Rs.2,000/- with default clause for the offence under section 7 of the Prevention of Corruption Act, 1988; to undergo 4 years rigorous imprisonment and imposed a fine of Rs.2,000/- with default clause for the offence under section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and directed the sentences to run concurrently.

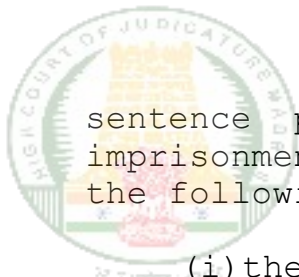
5. Challenging the above said conviction and sentence, criminal appeal has been preferred before this court. Pending appeal, this miscellaneous petition has been seeking suspension of sentence.

6. Now the learned counsel appearing for the petitioner would submit that the sanction, that was issued is not valid under law; initial demand was not properly proved; and the petitioner is not the competent person to issue the patta.

7. Per contra, the learned Additional Public Prosecutor would submit that only on the basis of the recommendation to be made by the Village Administrative Officer, subdivision and the issuance of patta may be undertaken by the Revenue Department and for discharging the above said duty only, the petitioner demanded and accepted the bribe amount.

8. Whether there is any valid sanction and whether there was a proof for demand are all the matters for consideration in the main appeal. The main appeal may not be taken in the immediate future. All the contentions that are raised by the petitioner can be taken only at the time of hearing the main appeal. The petitioner is not having any bad antecedent.

9. Considering the above said aspect and also considering the fact that it will take time to hear the main appeal for disposal, I am inclined to enlarge the petitioner on bail, by suspending the part of sentence. Accordingly, the suspension of



sentence petition is **allowed** and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the District Judge, Special Court for Trial of Prevention of Corruption Act Cases, Madurai; and

(ii) on further condition that the petitioner shall appear before the said Court once in a week i.e., on the first working day of every week at 10.30 am pending appeal.

sd/-

11/01/2023

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11/01/2023

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

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TO

- 1 THE DISTRICT JUDGE,
SPECIAL COURT FOR TRIAL OF PREVENTION OF CORRUPTION ACT CASES,
MADURAI.
- 2 THE INSPECTOR OF POLICE, VIGILANCE AND ANTI CORRUPTION, MADURAI
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.16474 of 2022
in

CRL A(MD) No.885 of 2022

Date :11/01/2023

RS/SSS/SAR.(11.01.2023) 3P-5C