



CRL MP(MD) No.16487 of 2023

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

Friday, the Twenty Fourth day of November Two Thousand and Twenty Three  
PRESENT

The Hon`ble Mr.Justice P. VADAMALAI  
CRL MP(MD) No.16487 of 2023  
in  
CRL A(MD) No.1028 of 2023

C.SIVASANKARAN

... PETITIONER/ APPELLANT

Vs

State Rep.by  
THE DEPUTY SUPERINTENDENT OF POLICE,  
VIGILANCE AND ANTI CORRUPTION UNIT,  
THANJAVUR, THANJAVUR DISTRICT.  
CRIME NO.01/2008

... RESPONDENT/RESPONDENT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the Petitioner on bail by Suspending the Sentence imposed upon him in Special Case No.63/2014 on the file of the Learned Special Court for Corruption Cases / Chief Judicial Magistrate, Thanjavur at Kumbakonam, Thanjavur District, by Judgment dated 07.11.2023 pending disposal of the main Criminal Appeal.

Prayer in CRL A(MD).1028/2023 :

To call for the records in Special Case No.63 of 2014 on the file of the Learned Special Court for Corruption Cases/Chief Judicial Magistrate, Thanjavur at Kumbakonam, Thanjavur District, and set aside the judgment dated 07.11.2023 and acquit the accused/ appellant of the charges.

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 MR.C.SURESH KANNAN, Advocate for the petitioner and of MR.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-



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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Special Court for Corruption Cases/Chief Judicial Magistrate, Thanjavur at Kumbakonam, Thanjavur District, in Special Case No.63 of 2014 dated 07.11.2023 and enlarge the petitioner on bail till the disposal of this Criminal Appeal.

2.The case of the prosecution is that the petitioner has demanded a sum of Rs.500/- (Rupees Five Hundred only) as bribe amount from the defacto compliannat for change of patta. Therefore, defacto complainant gave a complaint against the petitioner and the case was registered against the petitioner by the respondent police in Crime No.1 of 2008. After completion of investigation formalities, final report was filed before the concerned Court for the offences under Sections 7 and 13(1) (d) r/w 13(2) of the Prevention of Corruption Act, 1988 against the accused/petitioner.

3.Before the trial Court, on the side of the prosecution, 12 witnesses have been examined as P.W.1 to P.W.12 and 32 documents were marked as Ex.P1 to Ex.P32. Three materials objects were marked as M.O.1 to M.O.3. On the side of the accused no witnesses was examined and no documents was marked.

4.The learned Special Court for Corruption Cases/Chief Judicial Magistrate, Thanjavur at Kumbakonam, Thanjavur District, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, has passed the impugned judgment dated 07.11.2023 by convicting the petitioners as follows :



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| Accused    | Offence                                                     | Sentence                        | Fine       | In default sentence           |
|------------|-------------------------------------------------------------|---------------------------------|------------|-------------------------------|
| Petitioner | 7 of Prevention of Corruption Act,1988                      | Two years rigorous imprisonment | Rs.3,000/- | one month simple imprisonment |
|            | 13(1)(d) r/w 13(2) of the Prevention of Corruption Act,1988 | one year rigorous imprisonment  | Rs.2,000/- | one month simple imprisonment |

Challenging the above said conviction and sentence, the petitioners have preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

5.The learned counsel for the petitioners 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 further submitted that the trial Court suspended the sentence for a period of one month in Crl.M.P.No.1242 of 203 dated 07.11.2023.

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

7.This Court has carefully considered the rival contentions put forward by



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either side and also perused the materials available on record.

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8.The learned counsel for the petitioners 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 petitioners herein are entitled to the relief of grant of suspension of sentence.

9.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal with the following directions:-

(i) The petitioners are directed to be enlarged on bail on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the Special Court for Corruption Cases/Chief Judicial Magistrate, Thanjavur at Kumbakonam, Thanjavur District.

(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 petitioners shall appear before the trial Court once in a month i.e., on



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the first working day of every English calendar month at 10.30 a.m., until further orders.

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sd/-  
24/11/2023

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/12/2023

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

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TO

1 THE SPECIAL COURT FOR CORRUPTION CASES/  
CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.

2 THE DEPUTY SUPERINTENDENT OF POLICE,  
VIGILANCE AND ANTI CORRUPTION UNIT,  
THANJAVUR, THANJAVUR DISTRICT.

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

+1 CC to M/s.C.SURESH KANNAN, Advocate ( SR-16843[I] dated 24/11/2023 )

ORDER IN  
CRL MP(MD) No.16487 of 2023  
in CRL A(MD) No.1028 of 2023  
Date :24/11/2023

RS/SKN/SAR-(05.12.2023) 5P 5C  
Madurai Bench of Madras High Court is issuing  
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