



Crl.M.P.No.3971 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.M.P.No.3971 of 2024
in Crl.A.No.271 of 2024

C.R.Geetha

... Petitioner/Appellant

Vs.

The State represented by,
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Dharmapuri.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleased to suspend the sentence passed by the learned Special Judge/Chief Judicial Magistrate, Krishnagiri, Krishnagiri District dated 27.02.2024 against the petitioner and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.V.Rajamohan

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant (A2), seeking suspension of sentence of imprisonment, imposed by the learned Special Judge/Chief Judicial Magistrate, Krishnagiri, Krishnagiri District, vide judgment in Special C.C.No.49 of 2007 dated 27.02.2024.

2. The conviction and sentence imposed against the petitioner/appellant is as follows:-

<i>Under Section</i>	<i>Sentence</i>
7 of Prevention of Corruption Act, 1988	Four years of rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment.
13(2) r/w 13(1)(a) of Prevention of Corruption Act, 1988	Five years of rigorous imprisonment and a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment.
The Sentences shall run concurrently	

3. Learned counsel for the petitioner/appellant submitted that the trial Court, without considering the fact that neither there was demand nor any recovery from the petitioner, had erred in finding the petitioner/A2 guilty



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of the above said offences. He further submitted that the de facto complainant/PW3, who is the witness to the trap, had not supported the case of the prosecution and was treated as hostile and even as per the evidence of PW30/Trap Laying Officer, A4 is the person who is stated to have received the tainted money from PW3. He also submitted that no recovery was made from the petitioner and she was also not subjected to any phenolphthalein test. Therefore, without there being any evidence of demand and acceptance the trial Court had convicted the petitioner/appellant.

4. According to the learned counsel for the petitioner/appellant, there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the petitioner/appellant has got a fair chance of succeeding in the Criminal Appeal and hence, the sentence imposed against the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged with bail. He also submitted that the petitioner has also deposited the fine amount before the Court concerned. He further submitted that the petitioner is now confined in Special Women Prison, Coimbatore, from the date of judgment.



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5. The Respondent Police has filed an elaborate counter.

6. Learned Government Advocate (Crl.Side) appearing for the respondent opposed for grant of suspension of sentence stating that a surprise check was conducted based on the secret information and during such time, the petitioner (A2) was working in the office and she along with A1 had received the tainted money and handed it over to A4, from whom the recovery was made. He further submitted that the trial Court, after taking into consideration the oral and documentary evidence produced by the prosecution, has found the petitioner/appellant guilty and convicted her as stated above.

7. Heard the learned counsel for the petitioner/appellant and Government Advocate (Crl.Side) appearing for the respondent and perused the materials on record.

8. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner/appellant, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the



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disposal of the Criminal Appeal, suspension of sentence and bail are granted,
on the following conditions :-

- i. The petitioner/appellant shall execute bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Special Judge/Chief Judicial Magistrate, Krishnagiri;
 - ii. The petitioner/appellant shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.
9. Accordingly, the Criminal Miscellaneous Petition stands

ordered.

25.03.2024

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To

1. The Special Judge/Chief Judicial Magistrate,
Krishnagiri.
2. The Superintendent,
Special Women Prison, Coimbatore.
3. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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