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Crl.MP.No.6030 of 2024

Crl.M.P. No.6030 of 2024
in
Crl.A.No.396 of 2024

VIVEK KUMAR SINGH, J.

The petitioner has filed the present Criminal Miscellaneous Petition to suspend the sentence passed against him by the learned Special Judge and Chief Judicial Magistrate, Tiruvallur in Spl. Case No.17 of 2012 dated 05.03.2024 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.2/10/AC/HQ on the file of the respondent/Additional Deputy Commissioner of Police, Special Investigation Wing Vigilance and Anti Corruption Department, Chennai for the offences punishable under Sections 7 and 13(2) r/w.13(1)(d) of the Prevention of Corruption Act, 1988 [for short "PC Act"] and the same was taken on file in Spl.C.No.17 of 2012 before the learned Special Judge and Chief Judicial Magistrate, Tiruvallur. The trial Court had convicted and sentenced the petitioner to undergo three years rigorous imprisonment and to pay a fine of Rs.20,000/- with three months simple imprisonment in case of default for the offence u/s.7 of PC Act and three years rigorous imprisonment and to pay a fine of Rs.20,000/- with three months simple



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imprisonment in case of default under Section 13(2) r/w. 13(1)(d) of PC Act.

3. The learned counsel for the petitioner submitted that at the time of the occurrence, the petitioner was a Revenue Assistance in the office of the Ambattur Municipality, who had put in unblemished service and has not committed any offence as alleged by the prosecution. He submitted that the petitioner was deputed to levy tax for the constructed shops of the defacto complainant and it was the second accused/Kanagaraj, who had given his contact number and made the defacto complainant to call him. Furthermore, the demand of bribe was not established by the prosecution and the prosecution failed to corroborate the evidence of prosecution witnesses and had no nexus with the said incident. He further submitted that the phone call history of the defacto complainant and the second accused, which is paramount to this case was brushed aside by the trial Court. It was also submitted by the learned counsel that the fine amount has been paid by the petitioner. He submitted that the petitioner has a good case to succeed in the appeal and hence prayed for grant of suspension of sentence imposed on the petitioner.



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4. Per contra, the learned Government Advocate (Crl. Side) would submit that there are enough materials available on record against the petitioner and hence, opposed for allowing the petition.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the arguable points of the petitioner and the facts and circumstances of the case, this Court is of the *prima facie* view that the sentence imposed on the petitioner by the trial Court is to be suspended, pending this appeal.

7. Accordingly, this Criminal Miscellaneous Petition is allowed on conditions. The sentence imposed by the learned Special Judge/ Chief Judicial Magistrate, Tiruvallur in Spl.C.No.17 of 2012 dated 05.03.2024 alone is suspended, subject to the following conditions:-

i)The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge/ Chief Judicial Magistrate, Tiruvallur.



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ii)The petitioner shall appear and sign before the learned Special Judge/ Chief Judicial Magistrate, Tiruvallur, on the first working day of every English calender month at 10.30 a.m., until further orders.

iv)The petitioner shall furnish his residential address and mobile number to the Trial Court i.e., learned Special Judge/ Chief Judicial Magistrate, Tiruvallur.

iii)In case, if the petitioner is unable to appear before the Court on the first working day of a month, he shall appear on the next working day.

03.04.2024

DP/nst

Note:

1)Registry is directed to forthwith upload this order in the official website of this Court.

2)All concerned to act on this order being uploaded in official website of this Court without insisting on certified copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

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