



Crl.M.P.No.6786 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HON'BLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.M.P.No.6786 of 2024
in Crl.A.No.463 of 2024

K.Raman

... Petitioner/Appellant

Vs.

The State rep by
The Inspector of Police,
V & AC, Krishnagiri.
Crime No.02/2015/AC/KG

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleased to suspend the sentence imposed in Spl.C.C.No.08 of 2015 dated 15.03.2024 passed by the learned Special Judge/Chief Judicial Magistrate, Krishnagiri and enlarge the petitioners on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.S.Santhosh
Government Advocate (crl.side)

ORDER



Crl.M.P.No.6786 of 2024

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence, imposed by the learned Special Judge/Chief Judicial Magistrate, Krishnagiri District, vide judgment in Spl.C.C.No.08 of 2015 dated 15.03.2024.

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

<i>Under Section</i>	<i>Sentence</i>
7 of Prevention of Corruption Act, 1988	four years rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment.
13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988	five years of rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo six months simple imprisonment.

3. The case of the prosecution is that P.W.2 is the defacto complainant and he filed an application on behalf of his mother for name transferring of patta, for which, the accused demanded a sum of Rs.10,000/- as bribe on 05.01.2015 and on the request of the defacto complainant, the accused reduced it to Rs.6,000/- and received a sum of Rs.2,000/- as an advance from the defacto complainant. Thereafter, the accused demanded balance amount of Rs.4,000/- from the defacto complainant. Since the *de*



Crl.M.P.No.6786 of 2024

facto complainant was not willing to pay the bribe money, had lodged a complaint before DVAC on 08.01.2015 and based on his complaint, a case was registered by the respondent in Crime No. 2/2015/AC/KG under Section 7 of Prevention of Corruption Act, 1988.

4.Learned Counsel appearing for the petitioner/appellant submitted that the Trap Laying Officer failed to record the statement of the accused, immediately after his arrest, which will be fatal to the prosecution case. He submitted that the unexplained delay in lodging the complaint creates suspicion over the prosecution case. He further contended that the learned trial Judge without considering the evidence of D.W.1 had erroneously convicted the appellant. He also submitted that the petitioner/appellant has also remitted the fine amount before the Court concerned and the petitioner is now confined in Central Prison, Salem.

5.In furtherance, the learned Counsel for the petitioner/appellant contended that the petitioner/appellant has got a good case on merits and 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



Crl.M.P.No.6786 of 2024

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 on bail.

6. The respondent has filed a detailed counter and the counter is taken on record.

7. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the prosecution has proved the case beyond all reasonable doubts by examining PW.1 to PW.16 and by marking Exs.P1 to Ex.P23 and MO.1 to M.O.7. He further submitted that the trial Court, after carefully analysing the evidence found the petitioner/appellant guilty and convicted him as stated above. Therefore, he vehemently opposed for grant of suspension of sentence to the petitioner.

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

9. Considering the facts and circumstances of the case and also



Crl.M.P.No.6786 of 2024

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 disposal of the Criminal Appeal, sentence alone is suspended, on the following conditions :-

- i. The petitioner/appellant shall execute 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 Chief Judicial Magistrate, Krishnagiri District;
- 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.

10. Accordingly, the Criminal Miscellaneous Petition stands ordered.

03.07.2024

vkrr

Note: Issue order copy on 03.07.2024

VIVEK KUMAR SINGH, J.



WEB COPY



Crl.M.P.No.6786 of 2024

vkf

To

1. The Chief Judicial Magistrate, Krishnagiri District.
2. The Central Prison, Salem.
3. The Inspector of Police,
V & AC, Krishnagiri.
4. The Public Prosecutor,
High Court of Madras.

**Crl.M.P.No.6786 of 2024
in Crl.A.No.463 of 2024**

03.07.2024

1/2