



CRL MP(MD) No.271 of 2024

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

Thursday, the Eleventh day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.271 of 2024

IN

CRL A(MD) No.39 of 2023

SRIDHARAN

... PETITIONER/ APPELLANT

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION DEPARTMENT,
PATTUKOTTAI,
THANJAVUR DISTRICT.
CRIME NO.8 OF 2007.

... 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 Sentence imposed on the Petitioner vide judgment dt.18.12.2023 in Special Case No.56 of 2014 on the file of Learned Special Court for Prevention of Corruption Act/Chief Judicial Magistrate,Thanjavur at Kumbakonam and enlarge the petitioner on bail and pending disposal of the above Criminal Appeal.

PRAYER IN CRL.A(MD).39/2023:

Pleased to call for the records relating to judgment dated 18.12.2023 in Special case No.56 of 2014 on the file of Learned Special Court for Prevention of Corruption Act Cases / Chief Judicial Magistrate, Thanjavur at Kumbakonam and set aside the same and to allow this Criminal Appeal by acquitting the appellant.



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Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.T.ANTONY ARULRAJ, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against him by the learned Special Judge for Prevention of Corruption Act/Chief Judicial Magistrate, Thanjavur at Kumbakonam in Spl.S.C.No.56 of 2014 dated 18.12.2023 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. According to the prosecution, the petitioner is said to have demanded a sum of Rs.2,000/- as illegal gratification and based on a complaint given by one Bakthavachalam (P.W.2), a case in Crime No.8 of 2007 has been registered for the offences under Sections 7 and 13(2) read with 13(1)(d) of 'the Prevention of Corruption Act' (hereinafter 'PC Act' for the sake of brevity) on the file of the respondent Police and the same was taken on file in Spl.S.C.No.56 of 2014 before the learned Special Judge for Prevention of Corruption Act/Chief Judicial Magistrate, Thanjavur at Kumbakonam. The petitioner was convicted and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.5,000/- with six months simple imprisonment in case of default and another two years rigorous imprisonment along with a fine of Rs.2,000/- with six months simple imprisonment in case of



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default.

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3. Learned counsel for the petitioner submitted that due to previous enmity between one Bakthavachalam and the petitioner with an ulterior motive, the complaint was lodged by the complainant and thereby a false case has been foisted against the petitioner. It is the specific contention of the petitioner that the alleged amount was received for the purpose of accepting NIL return for the year 2005 – 2006 and as compounding fee for the belated filing of account and return. Though a communication was sent to the complainant in this regard on 22.08.2007 itself and the same was admitted by the complainant himself during the cross-examination, the Court below has failed to appreciate the fact. Hence, he prays for grant of suspension of sentence to the petitioner.

4. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor 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 involved in the appeal and the facts and circumstances of the case, this Court is of the prima facie view that the sentence imposed on the petitioner is to be suspended pending this appeal.



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7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Special Judge for Prevention of Corruption Act/Chief Judicial Magistrate, Thanjavur at Kumbakonam in Spl.S.C.No.56 of 2014 dated 18.12.2023 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 for Prevention of Corruption Act/Chief Judicial Magistrate, Thanjavur at Kumbakonam.

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

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.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned Special Judge for Prevention of Corruption Act/Chief Judicial Magistrate, Thanjavur at Kumbakonam.



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8. Subject to the above conditions, this Petition is allowed.

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sd/-
11/01/2024

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12/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN
TO

1 THE SPECIAL JUDGE FOR PREVENTION OF CORRUPTION OF ACT CASES /
CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION DEPARTMENT,
PATTUKOTTAI,
THANJAVUR DISTRICT.

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

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-560[I] dated 11/01/2024)

ORDER
IN
CRL MP(MD) No.271 of 2024
IN
CRL A(MD) No.39 of 2023
Date :11/01/2024

SA/SAR. /12.01.2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.