



CRL MP(MD) No.1153 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Friday, the Second day of February Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.1153 of 2024
in
CRL A(MD)No.92 of 2024

K.SANGEETHA

... PETITIONER/APPELLANT

Vs

THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
THANJAVUR DISTRICT.
CRIME NO.10/2016.

... 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 suspend the operation of sentence and conviction order passed by Spl. Court for Prevention of Corruption/Learned Chief Judicial Magistrate Court, Thanjavur at Kumbakonam in Spl.SC.No.1/2017 till the disposal of this Criminal Appeal.

PRAYER in CRL A(MD)No.92 of 2024:

To admit the Appeal on the file, and to call for the records from the Learned Special Court for Prevention of Corruption/The Chief Judicial Magistrate Court, Thanjavur at Kumbakonam Spl.S.C.No.1/2017 dated 18.01.2024 and set aside the same and to acquit the Appellant/Accused.

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.J.JEYAKUMARAN, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent while admitting the Criminal Appeal., the Court made the following order:-



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The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against him by the learned Special Judge, Special Court for Prevention of Corruption / the Chief Judicial Magistrate Court, Thanjavur at Kumbakonam, in Spl.S.C.No.1 of 2017 dated 18.01.2024 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. It is the case of the prosecution that on 04.08.2016, the complainant one Chandrababu approached the petitioner herein, who was working as a Village Administrative Officer, at his residence seeking for separate patta. The main allegation of the complainant is that earlier the petitioner has demanded graft of Rs.5,000/- and later he agreed to receive Rs.3,500/- and on 04.08.2016, the complainant and his wife said to have paid Rs.3,000/- as bribe for issuance of separate patta. Thereafter, based on a complaint, the respondent police have registered a case in Crime No.10 of 2016 and the same was taken on file in Spl.S.C.No.1 of 2017 before the learned Special Judge, Special Court for Prevention of Corruption / the Chief Judicial Magistrate Court, Thanjavur. The petitioner was convicted and sentenced for the offence punishable under Section 7 of Prevention of Corruption Act, to undergo 3 years Rigorous Imprisonment and to pay a fine of Rs.5,000/- with six months simple imprisonment in case of default. He was



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convicted and sentenced to undergo two years Rigorous Imprisonment and to pay a fine of Rs.3,000/- with six months simple imprisonment in case of default for the offences punishable under Section 13(2) r/w. 13(1) (d) of the Prevention of Corruption Act. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the Miscellaneous Petition seeking suspension of sentence.

3. Learned counsel for the petitioner submitted that the acceptance of graft money by the petitioner from the complainant was not established by the prosecution and it has also failed corroborate the evidence of prosecution witnesses. Furthermore, the petitioner is not a competent authority to issue patta and it is only the Tahsildar, who is vested with the power to issue patta. Hence, the learned counsel prays for suspension of sentence of the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent fairly submitted that the trial Court has already suspended the sentence till 16.02.2024.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and perused the materials available on record.



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6. Considering the facts and circumstances of the case, without expressing any opinion on merits of the case, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Special Judge, Special Court for Prevention of Corruption / the Chief Judicial Magistrate Court, Thanjavur at Kumbakonam, in Spl.S.C.No.1 of 2017 dated 18.01.2024 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 blood sureties each for a like sum to the satisfaction of the learned Special Judge, Special Court for Prevention of Corruption / the Chief Judicial Magistrate Court, Thanjavur at Kumbakonam;

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;

iii) The petitioner shall appear before the concerned Court on the first working day of every English calendar month at 10.30 a.m., until further orders.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned Special Judge, Special Court for Prevention of Corruption



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/ the Chief Judicial Magistrate Court, Thanjavur at Kumbakonam.

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

sd/-
02/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN

TO

- 1 THE JUDGE,
SPECIAL COURT FOR PREVENTION OF CORRUPTION/
THE CHIEF JUDICIAL MAGISTRATE COURT,
THANJAVUR AT KUMBAKONAM.
- 2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION, THANJAVUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:
THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (CALL FOR RECORDS)



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+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-1423[I] dated 05/02/2024)

ORDER
IN
CRL MP(MD) No.1153 of 2024
in
CRL A(MD)No.92 of 2024
Date :02/02/2024

SS/VR/SAR- /07/02/2024/6P/6C

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