



CRL MP(MD) No.2070 of 2024

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

Thursday, the Seventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.2070 of 2024

in

CRL A(MD) No.983 of 2023

S.ELANGO VAN

... Petitioner / Petitioner / Appellant

Vs

THE INSPECTOR OF POLICE
VIGILANCE AND ANTI-CORRUPTION WING,
TIRUCHIRAPPALLI.
(CRIME NO.35 OF 2008.)

... Respondent / Respondent / Complainant

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 Sentence imposed by the Learned Special Judge, Special Court for trial of cases under Prevention of Corruption Act, Tiruchirappalli in Spl.CC.No.40 of 2011 dt.13.10.2023 pending disposal of the main appeal and release the Petitioner.

Prayer in CRL A(MD) No.983 of 2024:

To allow this appeal and acquit the appellant from the charges by setting aside the impugned judgment passed by the learned Special Judge, Special Court for Trial



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Cases under Prevention of Corruption Act, Tiruchirappalli in Spl.C.C.No.40 of 2011 dated 13.10.2023.

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.C.ARUL VADIVEL @ SEKAR, Senior Counsel for M/S.ARULVADIVEL ASSOCIATES C, 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 imposed on him by the learned Special Judge, Special Court for trial of cases under Prevention of Corruption Act, Tiruchirappalli, in Spl.C.C.No.40 of 2011 dated 13.10.2023 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.35 of 2008 on the file of the respondent/Inspector of Police, Vigilance and Anti Corruption Wing, Tiruchirappalli, for the offences punishable under Sections 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act and the same was taken on file in Spl.C.C.No.40 of 2008 before the learned Special Judge, Special Court for trial of cases under Prevention of Corruption Act, Tiruchirappalli. The petitioner was convicted and



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sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only) with six months simple imprisonment in case of default for offence under Section 7 of the Prevention of Corruption Act and to undergo 7 years rigorous imprisonment and to pay a fine of Rs.20,000/- (Rupees Twenty Thousand only) with six months simple imprisonment in case of default for offence 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 above Criminal Miscellaneous Petition seeking suspension of sentence.

3. Mr.C.Arul Vadivel @ Sekar, learned Senior Counsel for the petitioner submitted that the petitioner was working as a Chief Inspector of Factories, Chepauk, Sheena. It is the case of the prosecution that at that time, he received illegal gratification. The prosecution has failed to prove the allegation levelled against the petitioner and to corroborate the evidence of prosecution witnesses. He further submitted that the trial court failed to consider that the entire facts and circumstances and the evidence on record, would also clearly reveal that the prosecution had miserably failed to prove its case beyond all reasonable doubts and therefore, prayed for suspension of sentence. He further submitted that the petitioner is in judicial custody from 13.10.2023 and is aged about 72 years and also



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is suffering from Type-II diabetic, hypertension and complaints of breathing difficulty. The petitioner is in need of regular health support and treatment.

4. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor submitted that the prosecution clearly proved the place of occurrence of the offence committed by the petitioner and the same was admitted by him during 313 of Cr.P.C. proceedings. Mere medical ground, no one can escape from the sentence awarded in corruption cases. The earlier application filed by the petitioner was dismissed by this Court. There is no change in circumstances and without any valid ground, the petitioner has filed this petition and hence, opposed for allowing this petition.

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

6. This Court finds force in the submission of the learned counsel for the petitioner and hence, this Court is of the prima facie view that there are arguable points involved in this Criminal Appeal. Considering the age of the petitioner and his ill-health and also the period of incarceration from 13.10.2023 and further the Criminal Appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.



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7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Special Judge, Special Court for trial of cases under Prevention of Corruption Act, Tiruchirappalli, in Spl.C.C.No.40 of 2011 dated 13.10.2023 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, Special Court for trial of cases under Prevention of Corruption Act, Tiruchirappalli.

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 and sign before the learned Special Judge, Special Court for trial of cases under Prevention of Corruption Act, Tiruchirappalli, on the first working day of every English calender month at 10.30 a.m., until further orders.

iv) 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.

v) The petitioner shall furnish his residential address and mobile number to the Trial Court i.e., learned Special Judge, Special Court for



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trial of cases under Prevention of Corruption Act, Tiruchirappalli.

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

sd/-
07/03/2024

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11/03/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

RM

To

1.The Special Judge,
Special Court for trial of cases under Prevention of Corruption Act,
Tiruchirappalli.

2.The Inspector of Police,
Vigilance and Anti Corruption Wing,
Tiruchirappalli.

3.The Superintendent,
Central Prison,
Trichy.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.ARUL VADIVEL ASSOCIATE, Advocate (SR-2867[I] dated
07/03/2024)



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ORDER
IN
CRL MP(MD) No.2070 of 2024
in
CRL A(MD) No.983 of 2023
Date :07/03/2024

ED/ /SAR- (11/03/2024) 7P / 6C

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