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

Thursday, the Twenty Second day of February Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.2175 of 2024

in

CRL A(MD)No.147 of 2024

MALATHI

... PETITIONER/APPELLANT

Vs

THE INSPECTOR OF POLICE
VIGILANCE AND ANTI-CORRUPTION CELL,
TIRUHCIRAPPALLI DISTRICT.
CRIME NO.11 OF 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 Sentence imposed in Spl.CC.No.2 of 2017 on the file of the Special Court for Vigilance and Anti Corruption/Chief Judicial Magistrate,Karur dt.9.2.2024 and enlarge the petitioner/Appellant on bail pending disposal of the above said Criminal Appeal.

PRAYER in CRL A(MD)No.147 of 2024:

To call for the records relating to the case in Spl.C.C.No.2 of 2017 on the file of the Special Court for Vigilance and Anti Corruption/Chief Judicial Magistrate, Karur, dated 09.02.2024 and set aside the judgment and order as against the appellant in the above said case and 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.M.SURI, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, 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 Vigilance and Anti Corruption/Chief Judicial Magistrate, Karur, in Spl.C.C.No.2 of 2017 dated 09.02.2024 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. The case of the prosecution is that the defacto complainant preferred a complaint stating that the petitioner, who was working as a Village Administrative Officer along with the Village Assistant demanded Rs.5,000/- for making arrangement for issuance of joint patta. It is alleged that the petitioner instructed the Village Assistant to receive the bribe and he received the money knowing fully well that it was bribe money. On the basis of the complaint, trap was laid and in the course of demanding and accepting the bribe amount, she was arrested on the spot and thereby, a case has been registered and after completing the formalities of investigation, final report has been filed for the offences punishable under Sections 7, 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act, 1988.

3. During the trial process, on the side of the prosecution, 14 witnesses were examined, 29 documents and 5 material objects were also marked. On the side of the accused, 2 witnesses were examined and 7 documents were marked and no material object was marked.



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4. At the conclusion of the trial, the trial Court found the petitioner guilty and sentenced him to undergo 2 years Rigorous Imprisonment and imposed a fine of Rs.10,000/- with default clause for the offence under Section 7 of the Prevention of Corruption Act, 1988; to undergo 3 years Rigorous Imprisonment and imposed a fine of Rs.10,000/- with default clause for the offence under Sections 13(2) r/w. 13(1) (d) of the Prevention of Corruption Act, 1988 and directed the sentences to run concurrently.

5. Challenging the above said conviction and sentence, criminal appeal has been preferred before this Court. Pending appeal, this criminal miscellaneous petition has been filed seeking suspension of sentence.

6. Learned counsel for the petitioner advanced his submissions on the grounds that the petitioner has been falsely implicated by the defacto complainant with an ulterior motive; that the initial demand was not properly proved by the prosecution; and that the prosecution has also failed to corroborate the evidence of prosecution witnesses. He further submitted that the trial Court was also pleased to suspend the sentence till 08.03.2024.



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7. The learned Additional Public Prosecutor appearing for the respondent submitted that there are sufficient materials marked against the petitioner and hence, he opposed to grant the suspension of sentence.

8. 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.

9. All the contentions that are raised by the petitioner can be taken only at the time of hearing the main appeal. The petitioner is not having any bad antecedent.

10. Considering the above said aspect and also considering the fact that it will take time to hear the main appeal for disposal, this Court is inclined to enlarge the petitioner on bail. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Special Judge, Special Court for Vigilance and Anti Corruption/Chief Judicial Magistrate, Karur, in Spl.C.C.No.2 of 2017 dated 09.02.2024 alone is suspended, subject to the following conditions:-



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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 Vigilance and Anti Corruption/Chief Judicial Magistrate, Karur;

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.

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

sd/-
22/02/2024

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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 VIGILANCE
AND ANTI CORRUPTION/CHIEF JUDICIAL MAGISTRATE,
KARUR.

2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI-CORRUPTION CELL,
TIRUHCIRAPPALLI DISTRICT.

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

+2 CC to M/s.M.SURI, Advocate (SR-2228[I] dated 22/02/2024)

ORDER

IN

CRL MP(MD) No.2175 of 2024

in

CRL A(MD)No.147 of 2024

Date :22/02/2024

(2/2)

SS/VR/SAR- /27/02/2024/6P/6C

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