



CRL MP(MD) No.3037 of 2024

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

Monday, the Eleventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.3037 of 2024

in

CRL A(MD) No.205 of 2024

S.RAMAMOORTHY

... APPELLANT/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
MADURAI.
CRIME NO.4/2014.

... 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 and grant bail to the Appellant/Accused against the Judgment dt.29.02.2024 in Special CC No.35/2014 on the file of the Learned Special Judge of Prevention of Corruption Case Court, Madurai in Crime no.4/2014 on the file of the Respondent Police pending disposal of the instant Criminal Appeal.

Prayer in CRL.A(MD).205/2024:

Pleased to call for the records of the Judgment dated 29.02.2024 in Special C.C.No.35 of 2014 on the file of the Learned Special Judge of Prevention of Corruption Case Court, Madurai in Crime No.4 of 2014 on the file of the Respondent Police and set aside the same and Acquit the Appellant/Sole Accused.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon <https://www.jmc.tn.gov.in/judis>



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perusing the petition filed in support thereof and upon hearing the arguments of Mr.S.RAJASEKAR, 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:-

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 Prevention of Corruption Act cases, Madurai, in Spl.C.C.No.40 of 2011 dated 29.02.2024 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.4 of 2014 on the file of the respondent/Inspector of Police, Vigilance and Anti Corruption Wing, Madurai, 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.35 of 2014 before the learned Special Judge, Special Court for trial of Prevention of Corruption Act cases, Madurai. The petitioner was convicted and sentenced to undergo four years rigorous imprisonment and to pay a fine of Rs.1,500/- (Rupees One Thousand and Five Hundred only) with three months simple imprisonment in case of default for offence under Section 7 of the Prevention of Corruption Act and to undergo five years rigorous imprisonment and to pay a fine of Rs.1,500/- (Rupees One Thousand and Five Hundred only) with three months simple imprisonment in case of default for



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offence* under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act.

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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. The learned counsel for the petitioner submitted that when the petitioner was working as a Assistant Engineer in Tamil Nadu Electricity Board, Panaiyur, Madurai, it is alleged that 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 the fact that the prosecution had miserably failed to prove its case beyond all reasonable doubts and therefore, prayed for suspension of sentence. He also submitted that the petitioner is in judicial custody from 29.02.2024 and is aged about 62 years.

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 and contended that no one can escape from the sentence awarded in corruption cases. He further submitted that the petitioner is in custody pursuant to the confirmation of conviction by the Court and hence, opposed for allowing this petition.

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



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on record.

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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 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.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Special Judge, Special Court for trial of Prevention of Corruption Act cases, Madurai, in Spl.C.C.No.35 of 2014 dated 29.02.2024 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 sureties each for a like sum to the satisfaction of the learned Special Judge, Special Court for trial of Prevention of Corruption Act cases, Madurai.

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



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Judge, Special Court for trial of Prevention of Corruption Act cases,
Madurai, on the first working day of every English calendar 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 trial
of Prevention of Corruption Act cases, Madurai.

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

sd/-
11/03/2024

/ TRUE COPY /

12/03/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

RM
TO
1 THE SPECIAL JUDGE
SPECIAL COURT FOR TRIAL OF PREVENTION OF
CORRUPTION CASE COURT, MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



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3 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
MADURAI.

4 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)

+1 CC to M/s.S.RAJASEKAR, Advocate (SR-3000[I] dated 11/03/2024)

ORDER IN
CRL MP(MD) No.3037 of 2024
in CRL A(MD) No.205 of 2024
Date :11/03/2024

SA/SAR. /12.03.2024/6P/7C

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