



CRL MP(MD) No.6215 of 2024

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

Friday, the Twenty First day of June Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.6215 of 2024

in

CRL A(MD)No.533 of 2024

POONGOTHAI

... PETITIONER/APPELLANT

Vs

THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
MADURAI
CRIME NO.8/2014

... 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 upon the petitioner in Spl.SC.No.03/2016 by the Special Court for Prevention of Corruption Act cases, Madurai dated 11.06.2024 and enlarge the petitioner on bail pending disposal of this Crl.A.

PRAYER in CRL A(MD)No.533 of 2024:

To allow the Appeal and acquit the appellant by set aside the judgment dated 11.06.2024 in Spl.S.C.No.03 of 2016 on the file of the Learned Special Court for Prevention of Corruption Act Cases, Madurai.

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 M/S.GANAPATHI SUBRAMANIAN.P, Advocate for the petitioner and of Mr.S.RAVI, Additional Public Prosecutor on behalf of the Respondent while admitting the Criminal Appeal., the Court made the following order:-



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This petition has been filed to suspend the sentence upon the petitioner in Spl.S.C.No.03/2016 by the Special Court for Prevention of Corruption Act cases, Madurai dated 11.06.2024 and enlarge the petitioner on bail pending disposal of this Criminal Appeal.

2. The case of the prosecution is that the complainant had given an application to the Kottampatti Panchayat Union Office, Madurai on 05.06.2013 for availing a sum of Rs.25,000/- and 4 grams of gold under the Government Welfare Scheme for her daughter's marriage. On 15.12.2014 at about 06.00 pm, the accused went to the house of the complainant and said that cheque is being prepared and also asked her a copy of the family card and photographs of the complainant and her daughter. The same was given by the complainant to the accused and the accused demanded a sum of Rs.2,500/- as bribe. Then, the complainant refused to give the said amount, then the accused reduced to Rs.1,500/- and the said amount should be paid on 16.12.2014. As the complainant does not want to pay the said amount to the accused, she lodged a complaint and FIR was registered. On 16.12.2024, the complainant and her son in law met the accused to give a bribe amount of Rs.1,500/-, at that time, the accused arrested by the police and case was registered under Section 7, 13(2) r/w 13



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accused.

(1)(d) of Prevention of Corruption Act, 1988. A final report was filed against the

3. On the basis of the complaint lodged, a case came to be registered in Crime No.08 of 2014 for the offences under Section 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988.

4. The respondent police, after completing the investigation, has laid a final report for the offences under Section 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. The same was taken on file in Spl.S.C.No.03 of 2016, on the file of the learned Special Court for Prevention of Corruption Act cases, Madurai.

5. During trial, the prosecution has examined 17 witnesses as P.W.1 to P.W.17 and exhibited 36 documents as Ex.P.1 to Ex.P.36 and marked 3 Material Objects as M.O.1 to M.O.3. However, neither a witness was examined nor a document was exhibited on the side of the accused.

6. The learned Special Court for Prevention of Corruption Act cases, Madurai, after full-fledged trial, has passed the judgment in Spl.S.C.No.3 of 2016, dated



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11.06.2024 and convicted the petitioner/ accused for the offence under Section 7 of Prevention of Corruption Act, 1988 and sentenced him to undergo 3 years Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo for 3 months Simple Imprisonment and to undergo 4 years Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months Simple Imprisonment under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeal along with the present Miscellaneous Petition seeking for suspension of sentence.

7. The learned counsel for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. Hence, he seeks suspension of sentence.

8. The learned Additional Public Prosecutor appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed this petition.



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9. This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record.

10. The petitioner is said to have committed the offence under Section 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. It is the specific case of the petitioner that the recovery was not proved. Further, the learned counsel for the petitioner pointed out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. So this Court *prima facie* satisfied that there are arguable points involved in this Criminal Appeal and further the Criminal Appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is in custody, hence, the petitioner is entitled to the relief of grant of suspension of sentence.

11. Accordingly, the relief of suspension of sentence is granted to the petitioner on 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 Court for Prevention of Corruption Act Cases, Madurai.



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(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; and

(iii) The petitioner shall appear before the concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-
21/06/2024

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/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RJR

TO

- 1 THE JUDGE,
SPECIAL COURT FOR PREVENTION OF
CORRUPTION ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
MADURAI
- 3 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, CENTRAL PRISON,
MADURAI.



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

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-6774[I] dated
21/06/2024)

ORDER
IN
CRL MP(MD) No.6215 of 2024
in
CRL A(MD)No.533 of 2024
Date :21/06/2024

SS/SAR- /25/06/2024/7P/6C

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