



Crl.A(MD)No.242 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.09.2024

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THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.A(MD)No.242 of 2018

M.Palaniammal

... Appellant/Accused No.2

Vs.

State represent through the
Inspector of Police,
Prevention of Corruption Wing,
Madurai.
(Crime No.3 of 2010)

... Respondent/Complainant

Prayer : This Criminal Appeal is filed under Section 374(2) of Cr.P.C., to call for the records and set aside the sentence and conviction imposed by the learned Special Court for the Prevention of Corruption Act Cases, Madurai in Special Case no.72 of 2011 dated 24.04.2018.

For appellant : Mr.R.Karunanidhi

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

J U D G M E N T

This criminal appeal has been filed to set aside the sentence and conviction imposed by the learned Special Court for the Prevention of Corruption Act Cases, Madurai in Special Case no.72 of 2011 dated



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24.04.2018.

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2.The case of the prosecution is that PW2 the defacto complainant applied for getting benefit amount of Rs.20,000/- under the Government Assistant called Moovalu Ramma ammal Memorial Scheme. At that time, the first accused was working as Extension Officer in Social Welfare Department. He demanded Rs.5,000/- as bribe amount for sanctioning the benefit. The defacto complainant was not willing to bribe the first accused. So trap was laid. On the date of trap the first accused demanded the defacto complainant to pay Rs.1,000/- in respect of Rs.5,000/- and asked her to give the sum to the second accused who is the appellant herein. The appellant did not receive the amount by hands, but, asked the defacto complainant to put the same in a polythene bag kept nearby. So on the basis of the above said occurrence, the case was registered in Crime No.3 of 2010 for the offence punishable under Sections 7, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act.

3.After completing the investigation final report was filed and before the trial Court the following charges were framed.

The appellant, as directed by the accused No.1, asked the defacto



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complainant to put the bribe amount into a polythene bag, which was kept on the nearby table, and received the bribe amount, thereby, she committed offence under Sections 7, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act.

4.At the conclusion of the trial process, the trial Court found both the accused guilty under Section 7, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act convicted both of them and sentenced the appellant under Section 7 of the Prevention of Corruption Act to undergo 2 years simple imprisonment and to pay a fine Rs.1,000/- along with default sentence of 3 months simple imprisonment. Further the appellant was found guilty under Section 13(2) r/s 13(1)(d) of the Prevention of Corruption Act and sentenced to undergo two years simple imprisonment and to pay fine Rs.1,000/- along with default sentence of 3 months simple imprisonment. At the end of the trial the Court has directed the sentences run concurrently.

5.Against which, both accused preferred appeal and so far this appellant is concerned, who is arrayed as second accused stated to be expired on 02.06.2024. The learned Additional Public Prosecutor also verified the death of the appellant.



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6.The learned counsel for the appellant would submit that in spite of the repeated communication sent to the legal heirs of this appellant none comes forward to file the impleading petition.

7.In view of the above said submissions made by the learned counsel for the appellant as well as the learned Additional Public Prosecutor, this appeal is dismissed as abated.

11.09.2024

Index : Yes/No

Internet : Yes/No

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To

- 1.The Judge, Special Court for the Prevention of Corruption Act Cases,
Madurai.
- 2.The Inspector of Police,
Prevention of Corruption Wing,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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