



CRL MP(MD) No.12553 of 2024

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

Friday, the Thirteenth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CRL MP(MD) No.12553 of 2024

IN

CRL A(MD) No.1013 of 2024

VELLAICHAMY

... APPELLANT/APPELLANT/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
DINDIGUL DISTRICT.

CRIME NO. 05/2012

... RESPONDENT/RESPONDENT/COMPLAINANT

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 on the petitioner by judgment dt. 15.10.2024 in Spl C.C No. 9 of 2014 on the file of the Special Court for Prevention of Corruption Act cum Chief Judicial Magistrate, Dindigul and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

Prayer in CRL A(MD) No.1013 of 2024 :

To set aside the judgment dated 15.10.2024 passed in Spl.C.No.9 of 2014 on the file of the Special Court for Prevention of Corruption Act - Cum - Chief Judicial Magistrate, Dindigul and allow the appeal.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S.SIVAPRAKASH, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-



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This petition is filed to suspend the sentence imposed on the petitioner by the learned Special Court for Prevention of Corruption Act-Cum-Chief Judicial Magistrate, Dindigul, in Spl.C.C.No.9 of 2014 dated 15.10.2024 and enlarge the petitioner on bail pending disposal of the main Criminal Appeal.

2. The case of the prosecution is that the petitioner was working as a Sub Inspector of Police, Vilampatti Police Station, Dindigul, from 03.06.2012 to 10.12.2012. At that time, due to the dispute between the neighbours P.W.2's mother and neighbour, P.W.2 and her neighbour namely Palanivel and his wife namely Chellathai, went to the said police station and gave a complaint before the petitioner and the petitioner registered a case in Crime No.145 of 2012 against P.W.2's mother after that P.W.2 gave a complaint against the said Palanivel and the same was registered as a counter case in Crime No.146 of 2012. Thereafter, P.W.2 along with his friend namely, Elango met the petitioner and requested him to remove name of P.W.2's mother, due to which, the petitioner demanded Rs.5,000/- as bribe thereafter, it was reduced to Rs.4,000/-. In the said circumstances, P.W.2 went to the office of P.W.11 and gave a complaint and the same was registered in Crime No.5 of 2012 and trap was conducted and arrested the accused.

3.The respondent police, after completing the investigation, has laid a final report, for the offences under Sections 7 and 13(1)(d) r/w 13(2) of the Prevention of



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Corruption Act, 1988, and the same was taken on file in Spl.C.C.No.9 of 2014.

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4.During the trial, on the side of the prosecution, 12 witnesses were examined as P.W.1 to P.W.12 and 31 documents were marked as Ex.P.1 to Ex.P.31 and five materials were marked as M.O.1 to M.O.5. On the side of the accused, neither a document was produced nor a witness was examined.

5.The learned Sessions Judge, upon considering the evidences adduced and on hearing the arguments on both the sides, has passed the impugned judgment dated 15.10.2024 convicting the petitioner/accused for the offence under Section 7 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988, and sentenced him to undergo 2 years Simple Imprisonment and to pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment for the offence under Section 7 of PC Act, 1988 and sentence him to undergo 2 years Simple Imprisonment and to pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment, for the offence under Section 13(1)(d) r/w 13(2) of PC Act, 1988. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6.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. He would further



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submit that the petitioner has already paid fine amount. He would further submitted that the petitioner is surrendered before the learned Special Court for Prevention of Corruption Act-Cum-Chief Judicial Magistrate, Dindigul, and he was confined in Central Prison, Madurai, on 02.12.2024. Hence, he seeks suspension of sentence.

7.The learned Additional Public Prosecutor appearing for the respondent Police would contend that the learned trial Court has rightly convicted the petitioner on the basis of the evidence and the petitioner has no prima facie case in this appeal and hence, he strongly opposed to grant suspension of sentence.

8.This Court has carefully considered the submissions made by the learned counsel appearing on either side and also perused the materials available on record.

9.According to the learned counsel for the petitioner, the prosecution has failed to establish the case against the petitioner and also certain contradictions in material particulars brought to the knowledge of this Court and hence, this Court prima facie feels 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, in Central Prison, Madurai, from 02.12.2024. Hence, the petitioner is entitled to the relief of grant of suspension of sentence.

10. Accordingly, the relief of suspension of sentence is granted to the petitioner



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on 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 sureties each for a like sum to the satisfaction of the learned Special Court for Prevention of Corruption Act-Cum-Chief Judicial Magistrate, Dindigul;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of his Aadhar card or Bank Pass Book to ensure his 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/-
13/12/2024

/ TRUE COPY /

13/12/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

TO

1 THE JUDGE,
SPECIAL COURT FOR PREVENTION OF CORRUPTION ACT CUM
CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.



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2 THE INSPECTOR OF POLICE, VIGILANCE AND ANTI CORRUPTION,
DINDIGUL DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.S.SIVAPRAKASH, Advocate (SR-15389[I] dated 13/12/2024)

ORDER

IN

CRL MP(MD) No.12553 of 2024

IN

CRL A(MD) No.1013 of 2024

Date :13/12/2024

RS/IT/SAR-(13.12.2024) 6P 6C

Madurai Bench of Madras High Court is issuing
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