



CRL.M.P.(MD)No.12736 of 2024

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

Tuesday, the Twenty Sixth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CRL.M.P.(MD)No.12736 of 2024

in

CRL.A.(MD)No.1026 of 2024

R. SUNDARAM

... PETITIONER/ APPELLANT

Vs

THE STATE OF TAMIL NADU
REP BY THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION UNIT,
THANJAVUR,
THANJAVUR DISTRICT
CRIME NO. 2 OF 2011

... RESPONDENT/ RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioners on bail by suspending the sentence imposed upon him in Special case No. 38 of 2014 on the file of the learned Special Judge/ Chief Judicial Magistrate, Thanjavur at Kumbakonam by judgment dt. 11.11.2024 pending disposal of the main criminal appeal.

Prayer in CRL.A.(MD)No.1026 of 2024:

To call for the records in Special case No.38 of 2014 on the file of the Learned Special Judge/Chief Judicial Magistrate, Thanjavur at Kumbakonam, and set aside the Judgement dated 11.11.2024 and acquit the accused / Appellant of the Charges.

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.R.ILAYARAJA,



CRL.M.P.(MD)No.12736 of 2024

Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in S.C.No.38 of 2014, dated 11.11.2024, by the Learned Special Judge/Chief Judicial Magistrate, Thanjavur, at Kumbakonam, pending disposal of this Criminal Appeal.

2.The case of the prosecution is that on 09.03.2011, at 03.00 p.m., the petitioner was in-charge Village Administrative Officer, Pulianthoppu Village, and he had demanded a sum of Rs.4,500/- from P.W.2/Karthikeyan for recommending for a joint patta. Again on 15.03.2011 at 12.12. hrs, the demand was reinforced by a phone call. Thereafter, the petitioner accepted the demand of Rs.4,500/- on 16.03.2011. Further, it is the case of the prosecution is that on 03.03.2011 at 02.00 p.m a demand of Rs.2,000/- was made by the petitioner from one Vadivelu and the same was accepted on 16.03.2011 at 05.15 p.m.. Hence, the respondent Police registered a case in Crime No.2 of 2011 for the offence under Section 7 (2 counts) and 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988.



CRL.M.P.(MD)No.12736 of 2024

WEB COPY

3.The respondent police, after completing the investigation, has laid a final report before the learned Special Judge/Chief Judicial Magistrate, Thanjavur, at Kumbakonam, for the offences under Sections 7 (2 counts) and 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988, and the same was taken on file in S.C.No.38 of 2014.

4.During the trial, on the side of the prosecution, 18 witnesses were examined as P.W.1 to P.W.18 and 35 documents were marked as Ex.P.1 to Ex.P.35 and marked M.O.1 to M.O.8. On the side of the accused, neither a witness was examined nor a document was exhibited.

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 11.11.2024 convicting the petitioner/accused for the offence under Sections 7(2 counts) and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and sentenced him to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.4,000/- in default to undergo 6 months simple imprisonment and for the offence under Section 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988, and



CRL.M.P.(MD)No.12736 of 2024

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sentenced to undergo 1 year Rigorous Imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo 3 months Simple Imprisonment and further directing the sentences to run concurrently. 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 submitted that there are several infirmities in the prosecution case. He further submitted that the trial Court in Cr.M.P.No.1402 of 2024, dated 11.11.2024, already suspended the sentence for a period of one month from 11.11.2024 to 10.12.2024. Hence, he seeks suspension of sentence.

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

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



CRL.M.P.(MD)No.12736 of 2024

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9. Considering the facts and circumstances of the case and also considering the fact that the sentence imposed on the petitioner was suspended by the trial Court for a period of one month from 11.11.2024 to 10.12.2024 and there are some arguable points involved in the criminal appeal, 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 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 Judge/Chief Judicial Magistrate, Thanjavur, at Kumbakonam;

(ii) The sureties shall affix his 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 their identity; and

(iii) The petitioner shall appear before the trial Court once in a



CRL.M.P.(MD)No.12736 of 2024

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month i.e., on the first working day of every English calendar month
at 10.30 a.m., till the disposal of the appeal.

sd/-
26/11/2024

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/11/2024

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

vsg

TO

- 1.THE SPECIAL JUDGE/CHIEF JUDICIAL MAGISTRATE,
THANJAVUR, AT KUMBAKONAM;
- 2.THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION UNIT,
THANJAVUR,
THANJAVUR DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-14553[I] dated 26/11/2024)

ORDER
IN
CRL.M.P.(MD)No.12736 of 2024
in
CRL.A.(MD)No.1026 of 2024
Date :26/11/2024



CRL.M.P.(MD)No.12736 of 2024

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RK/VR (27/11/2024) 7P / 5C

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