



Crl.M.P.(MD).No.14115 of 2024

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

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

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

Crl.M.P.(MD).No.14115 of 2024

in

Crl.A.(MD).No.1132 of 2024

1 AMALA JESSI JACQUILINE
ASST, EXECUTIVE ENGINEER,
RURAL DEVELOPMENT,
TIRUNELVELI SUB- DIVISION,
TIRUNELVELI.

...1st Petitioner/ Appellant/ Accused No.1

2 S.RAJESWARAN

...2nd Petitioner/ Appellant/ Accused No.2

Vs

THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
NAGERCOIL.

CRIME NO.07 OF 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 pursuant to the Judgment of conviction and sentence rendered by the Honble Chief Judicial Magistrate/Special Judge, Nagercoil in Spl.C.No.02/2016 dated 06.12.2024 pending disposal of the above Criminal Appeal.

Prayer in Crl.A.(MD).No.1132 of 2024:

To admit the Appeal on file, and to call for the records from the Hon'ble chief Judicial Magistrate/Special Judge, Nagercoil in Spl.C.No.2/2016 dated 06.12.2024 and set aside the same and acquitted the appellant/accused.



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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.V.KATHIRVELU, Senior Counsel for MR.K.P. KRISHNA DOSS, Advocate for the petitioners and of MR.M.SAKTHI KUMAR, Government Advocate(Crl.side) on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This petition has been filed to suspend the sentence imposed on the petitioners by the learend Chief Judicial Magistrate/Special Judge, Nagercoil in Spl.C.No.02 of 2016 dated 06.12.2024.

2. The case of the prosecution is that the first petitioner herein is the wife of the second petitioner. The first accused initially was working as Assistant Engineer and subsequently she was Assistant Executive Engineer, Rural Development Department during the check period between 01.12.1999 and 31.03.2009 within Kanyakumari District and Tirunelveli District. During the said period, the second accused was a private individual. In the beginning of the check period, on 01.12.1999, the accused were in possession of assets worth about Rs.7,88,987/- and at the end of the check period they were in possession of assets worth Rs.56,15,017/-. In the said period, they received an income amounting to Rs.43,88,367/-. In the meantime, the accused and their family members expended an amount of Rs.21,03,309.40/-. Further, the savings



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of the first accused was calculated as Rs.22,85,057.60/-. Thereby, the first accused disproportionate assets amounting to Rs.25,40,972.57/- in her name and in the name of her husband. Therefore, the Investigating Officer, registered a case in Crime No.07 of 2012.

3. The respondent police, after completing the investigation, has laid a final report for the offences punishable under Sections 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988 against the first accused and under Section 13(2) r/w 13(1)(e) r/w 109 of IPC against the second respondent. The same was taken on file in Spl.C.No.07 of 2012, on the file of the learned Chief Judicial Magistrate/Special Judge, Nagercoil.

4. During trial, the prosecution has examined 50 witnesses as P.W.1 to P.W.50 and exhibited 105 documents as Ex.P.1 to Ex.P.105 and on the side of the accused examined 12 witnesses as D.W.1 to D.W.12 and exhibited 24 documents as Ex.D.1 to Ex.D24.

5. The learned Chief Judicial Magistrate/Special Judge, Nagercoil, after full-fledged trial, has passed the judgment in C.C.No.02 of 2016, dated 06.12.2024 and

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convicted the first petitioner/accused No.1 for the offence under Section 13(2) (E) r/w 13(i)(e) of the Prevention of Corruption Act, 1988 and sentenced them to undergo 3 years Rigorous Imprisonment and to pay a fine of Rs.50,000/- in default, to undergo one year Rigorous Imprisonment and convicted the second petitioner/accused No.2 for the offence under Section 13(2) (E) r/w 13(i)(e) of the Prevention of Corruption Act, 1988 and sentenced them to undergo 3 years Rigorous Imprisonment and to pay a fine of Rs.50,000/- in default, to undergo one year Rigorous Imprisonment. Aggrieved over the above said conviction and sentence, imposed by the Court below, the petitioners preferred the present Criminal Appeal along with the present Miscellaneous Petition seeking for suspension of sentence.

6. The learned counsel for the petitioners would submit that the petitioners are innocent and there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. Further, the recovery of properties are not properly proved. Hence, he seeks suspension of sentence.

7. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against



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the petitioners and hence, he strongly opposed this petition.

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

9. Considering the submission of the learned counsel for the petitioner that the petitioners are aged persons and he is pointed out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. Hence, 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 petitioners are aged person, hence, the petitioners are entitled to the relief of grant of suspension of sentence.

10. Accordingly, the relief of suspension of sentence is granted to the petitioners on the following conditions:-

(i) The petitioners shall execute a bond for a sum of



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Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate/Special Judge, Nagercoil.

(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 petitioners 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/-
20/12/2024

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/12/2024

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

sbn

TO

1.THE CHIEF JUDICIAL MAGISTRATE/SPECIAL JUDGE, NAGERCOIL

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2.THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
NAGERCOIL.

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

+1 CC to M/s.K.P.KRISHNADOSS, Advocate (SR-15710[I] dated 20/12/2024)

ORDER
IN
Crl.M.P.(MD).No.14115 of 2024
in
Crl.A.(MD).No.1132 of 2024
Date :20/12/2024

RK/GSV (31/12/2024) 7P / 5C

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