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CRL MP NO. 2713 of 2025
in CRL A NO. 184 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP NO. 2713 of 2025

IN

CRL A NO. 184 OF 2025

E.Joel Padmini
W/o. John Moses, 2/263, Pillaiyar Koil Street,
Varadharajapuram Dhargas, Kancheepuram District
(formerly Worked As Rural Welfare Official,Block
Development Office Acharapakkam)

.. Petitioner/Accused

Vs

State Represented By, Inspector Of Police
Vigilance And Anti Corruption, Kancheepuram
Cr.No. 10/ac/2010

.. Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Sections 430(1) & (2) of BNSS praying to suspend the order of sentence imposed as against the petitioner in judgment dated 30.01.2025 made in Special Case No.2 of 2012, passed by the learned Special Judge cum Chief Judicial Magistrate, Chengalpattu and grant bail to the petitioner, pending disposal of the main appeal.

For Petitioner(s):

Mr.R.Vijayakumar

For Respondent(s):

Mr.S.Udaya Kumar
Government Advocate (Crl. Side)



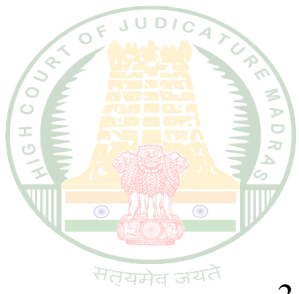
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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the judgment dated 30.01.2025 passed in Spl.C.No.2 of 2012 by the learned Special Judge cum Chief Judicial Magistrate, Chengalpattu and grant bail to the petitioner, pending disposal of the above criminal appeal.

2. The petitioner/Accused in Spl.C.No.2 of 2012 was convicted by the Trial Court by the judgment dated 30.01.2025 for the offences under Sections 7 and 13(2) r/w 13(1)(d) r/w 109 of Prevention of Corruption Act and sentenced to undergo one year simple imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo one month simple imprisonment, for the offence under Section 7 of Prevention of Corruption Act and for the offence under Sections 13(2) r/w 13(1)(d) of Prevention of Corruption Act, sentenced to undergo one year simple imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo one month simple imprisonment. Aggrieved by the said conviction, the petitioner filed Crl.A.No.184 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.



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3. During trial, on the side of the prosecution, PW1 to PW16 examined and Exs.1 to 29 marked and material objects M.O.1 to M.O.4 marked. On the side of the defence, no witnesses examined and no documents marked. The Court document was marked as Ex.C1. On conclusion of the trial, the Trial Court on the evidence of witnesses and the materials produced, convicted the petitioner as stated above.

4. The contention of the learned counsel for petitioner is that the petitioner has been falsely implicated as an accused in this case on a wrong identification and wrong presumption. On 13.05.2010, the petitioner Joel Padmini was having a lunch along with other colleagues. The petitioner is employed as Rural Welfare Officer, Block Development Office, Acharapakkam. PW5/Meerabai is an Extension Officer. Since PW5 was having a lunch, she asked the petitioner to receive the amount from the decoy witness/PW2. The petitioner did not know for what reason it was asked for. Thereafter the trap proceedings laid. The petitioner never demanded or concurred the demand of PW5. The petitioner has been falsely implicated. Further, the demand was for a marriage beneficiary scheme. PW12 is the wife of PW2, PW14 is the father-in-law of PW2, who confirms that he only asked

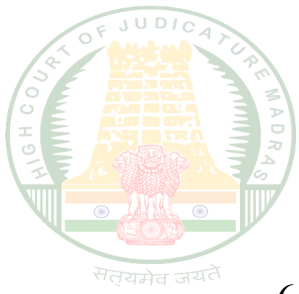


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PW2 to meet one Sayal Rani. The petitioner is not called as Sayal Rani. In this case there is no evidence to show that the petitioner had a alias name as Sayal Rani. After hearing the arguments, the trial Court on its own marked the remand report as Ex.C1, wherein it was reported as Joel Padmini @ Sayal Rani and based on which, the petitioner was convicted. Even at the stage of framing of charge, throughout the entire proceedings, the petitioner was called as 'Joel Padmini' and not with any alias name as 'Sayal Rani'. Hence, the trial Court conviction is not sustainable.

5.The learned Government Advocate (Crl. Side) submitted that the petitioner, who is working in the Block Development Office, demanded a sum of Rs.850/- as bribe for the marriage benefit scheme. PW12 and PW14 submitted application to the Extension Officer and it was delayed. Only after the receipt of bribe amount it was processed. Hence, a complaint was lodged. The trap turned successful, trap amount recovered from the petitioner. The trial Court on the evidence of PW1 to PW16 and Exs.P1 to P29 and M.O.1 to M.O.4 and Ex.C1 had convicted the petitioner. He fairly submitted that the trial Court already suspended the sentence of the petitioner till 05.03.2025. However, he opposed for granting bail to the petitioner.



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6.Considering the fact that petitioner paid the fine amount, the sentence of imprisonment imposed on the petitioner has been suspended by the trial Court in Crl.M.P.No.5 of 2025 till 05.03.2025 and the fact that there are arguable points involved in this appeal and it would take some time for the appeal to be taken up for final hearing, this Court is inclined to suspend the sentence imposed on the petitioner.

7.Accordingly, the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the above appeal and she is ordered to be enlarged on bail, on condition that she shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the trial Court.

8.Further, the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the criminal appeal and if she is not able to appear before the Trial Court on that day, she shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of her absence as directed by the Trial Court.



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M. NIRMAL KUMAR, J.

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9. Accordingly, this Criminal Miscellaneous Petition is ordered.

**18-02-2025
(2/2)**

rsi

To

1. The Inspector of Police,
Vigilance And Anti Corruption,
Kancheepuram.
2. The Special Judge cum Chief Judicial Magistrate,
Chengalpattu
3. The Public Prosecutor,
High Court, Madras.

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