



Crl.M.P.No.3781 of 2025 in Crl.A.No.232 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M. NIRMAL KUMAR

Crl.M.P.No.3781 of 2025
in Crl.A.No.232 of 2025

G.Sivakami,
F/68 yrs, W/o.Gunasekaran,
Rural Welfare Officer, (women)
O/o.The Block Development Officer,
Sriperumbudur Panchayat Union,
Kanchipuram District.

... Petitioner/Appellant

/versus/

The State Rep.By,
The Inspector of Police,
Vigilance And Anti Corruption,
Kanchipuram.

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Sections 389(1) of Cr.P.C and 430 of BNSS, praying to suspend the sentence imposed in the judgment dated 30.01.2025 made in Spl.S.C.No.03 of 2024 in old Spl.S.C.No.11 of 2011 on the file of the Special Judge and Chief Judicial Magistrate, Kancheepuram and enlarge the petitioner on bail pending of the Criminal Appeal



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Crl.M.P.No.3781 of 2025 in Crl.A.No.232 of 2025

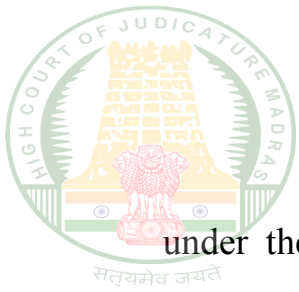
For Petitioner : Mr.P.Panneer Selvam
For Respondent : Mr.S.Udaya Kumar,
Govt.Adovcate (Crl.Side)

ORDER

The petitioner, who is an accused, was convicted by the trial Court in Spl.S.C.No.3 of 2024 by the judgment dated 30.01.2025. She was sentenced to undergo two years R.I and to pay fine of Rs.10,000/- in default to undergo S.I for 3 months for the offence under Section 7 of P.C Act. She was also sentenced to undergo two years R.I and to pay fine of Rs.10,000/-, in default to undergo S.I for three months for the offence under Section 13(2) r/w 13(1)(d) of P.C Act.

2. The petitioner has filed this appeal along with a petition for suspension of the sentence.

3. The learned counsel for the petitioner submitted that the accused worked as the Rural Welfare Officer at the Block Development Office in Sriperumbudur from 08.06.2008 to 19.08.2008. During that time, the accused allegedly demanded a bribe of Rs.1,000/- to facilitate the availing of benefits



Crl.M.P.No.3781 of 2025 in Crl.A.No.232 of 2025

under the Government scheme "Moovalur Ramamirtham Ammal Thirumana

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4. On the other hand, the learned Government Advocate (Crl. Side)

for the respondent submitted that P.W.2, the defacto complainant, lodged a



Crl.M.P.No.3781 of 2025 in Crl.A.No.232 of 2025

complaint with P.W.7 regarding the demand of bribe made by the petitioner for

processing and granting benefits under the "Moovalur Ramamirtham Ammal Thirumana Uthavi Thittam" scheme. P.W.7 is the brother, and P.W.8 is the mother of P.W.6, and they produced details regarding the marriage. The petitioner demanded a bribe and kept the petition pending. As a result, a complaint was lodged, and a trap was laid. The demand and acceptance of the bribe were proved through the evidence of P.W.2 and P.W.3. The amount was recovered, and this was recorded in the recovery mahazar. The phenolphthalein test confirmed that the petitioner had handled the bribe amount.

5. During the trial, the prosecution examined 14 witnesses (P.W.1 to P.W.14), marked 25 documents (Exs. P1 to P25), and produced 5 material objects (M.O.1 to M.O.5). On the defense side, the petitioner examined witnesses (D.W.1 to D.W.4) and marked two documents (Exs. D1 and D2). The trial court convicted the petitioner as stated above.

6. Furthermore, the Learned Govt. Advocate (CrlSide) submitted that the trial court had suspended the sentence of the petitioner in Crl.M.P.No.50/2025 on 30.01.2025 for a period of 30 days.



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7. Further, the petitioner was to lodge a complaint against P.W.4 and P.W.9 for misbehaving with him, and action was contemplated against them. Taking advantage of the BDO's transfer, P.W.2 was used and wrongly projected the delay in processing the petition for want of bribe amount. The petitioner explained the same in the cross examination and explanation. This explanation was not considered by the trial court. Moreover, the evidence of the defense witnesses and the defense exhibits not considered.

8. Considering the submissions made and the fact that the petitioner has raised arguable grounds in the above appeal, which requires consideration, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

9. Accordingly, the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the 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.



Crl.M.P.No.3781 of 2025 in Crl.A.No.232 of 2025

WEB COPY

10. Further, the petitioner shall appear before the Trial Court once in three months at 10.30 a.m. on the first working day of the month, until the disposal of the 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 his absence as directed by the Trial Court.

11. Accordingly, this Criminal Miscellaneous Petition is ordered.

04.03.2025

Index : Yes/No.

Neutral Citation : Yes/No.

bsm

To:-

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



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Crl.M.P.No.3781 of 2025 in Crl.A.No.232 of 2025

M.NIRMAL KUMAR,J.

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Crl.M.P.No.3781 of 2025
in Crl.A.No.232 of 2025

04.03.2025