



CRL MP NO. 4155 OF 2025
in CRL A No. 251 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-03-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP NO. 4155 OF 2025

in

CRL A No. 251 of 2025

Deena Gopalakrishnan @ Deena Dayawati
W/o. N.Gopalakrishnan, Door No.32, Om
Sakthi Nagar, Police Quarters Road,
Ganapathy, Coimbatore.

Petitioner(s)/A2

Vs

State Rep.By,
The Inspector Of Police,
VIGILANCE AND ANTI-
CORRUPTION, COIMBATORE.
CR.NO.7/2008/AC/CBE dated
28.04.2008

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, to suspend the sentence imposed on the Petitioner in Spl.C.C.No.56 of 2011 passed by the learned Special Judge, Special Court for trial of Cases under Prevention of Corruption Act, Coimbatore by a judgment dated 29.01.2025 and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.



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For Petitioner(s): Mr.K.R.Samratt
For Respondent(s): Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

ORDER

The petitioner/A2 in Spl.C.C.No.56 of 2011 was convicted by the trial Court by the judgment dated 29.01.2025 and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo two months simple imprisonment, for offences under Sections 109 of I.P.C. r/w 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, against which, the petitioner preferred the above revision along with the instant miscellaneous petition seeking suspension of sentence and bail.

2.The contention of the petitioner is that the petitioner's husband was Assistant Inspector General of Registration, Salem, who passed away on 15.11.2021. Earlier, the petitioner was charged and tried along with her husband. In this case, the prosecution has taken the check period from



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01.01.1998 to 31.01.2006 and disproportionate assets calculated to the tune of Rs.34,58,342/-. The petitioner has been prosecuted on the ground that some of the house sites, agricultural land, investment and LIC premium are in the name of the petitioner. The petitioner had given a detailed explanation for the assets stands in her name. As regards the assets of her husband, she is not required to give explanation. But the trial Court convicted the petitioner for the reason that the petitioner is unable to give satisfactory explanation for the entire disproportionate assets, which is not proper.

3.The learned Government Advocate (Crl. Side) submitted that petitioner's husband is a public servant, who had acquired disproportionate assets to the value of Rs.34,58,342/-. The petitioner's husband passed away on 15.11.2021. He participated in the trial for almost 10 years but unable to give any explanation. Now the petitioner taking advantage of her husband's death gave no explanation. Finding that the petitioner being a house wife having no independent income, the trial Court convicted the petitioner on the



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charge of abatement. He fairly submitted that the trial Court suspended the sentence of the petitioner by the order dated 29.01.2025 in Crl.M.P.No.4 of 2025 for a period of 30 days.

4.Considering the submissions made and on perusal of the materials, it is seen that it is the case of disproportionate assets. The petitioner's husband/A1 passed away during trial. As regards the petitioner, she was convicted on the charge of abatement. The petitioner had given explanation as regards the property, which stands in her name. With regard to the other property, it is for her husband, for which the petitioner cannot be punished. Hence, this Court finds that the conviction of the petitioner needs reconsideration. Further taking note of 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.



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5. 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.

6. 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 her absence as directed by the Trial Court.

7. Accordingly, this Criminal Miscellaneous Petition is ordered.

07.03.2025
(2/2)

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Note: Issue order copy on 10.03.2025.



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M. NIRMAL KUMAR, J.

rsi

To

- 1.The Special Judge,
Special Court for trial of Cases under Prevention
of Corruption Act, Coimbatore.
- 2.The Inspector Of Police,
Vigilance and Anti-Corruption,
Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.

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