



CRL MP NO. 4511 OF 2025
in CRL A No. 268 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP NO. 4511 OF 2025

in

CRL A No. 268 of 2025

V.Kuppan
S/o.Velayutham, Permanently
Residing At No.47-b, Saravana
Pillaiyar Koil Street,
Tindivanm - 604 001.
Formerly Worked as
Sub-inspector Of Survey (Surveyor),
Taluk Office, Alandur,
(Placed At Pallavaram Municipality)
Chennai - 600 043.

Petitioner/Accused

Vs

State Represented By
Inspector Of Police, Vigilance And
Anti-corruption, Special Investigation
Cell, Chennai - 600 016.
(Crime No.11/AC/2013/HQ)

Respondent



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PRAYER: Criminal Miscellaneous Petition filed under Sections 430 (1) & (2) of BNSS, 2023, praying to suspend the order of sentence imposed as against the petitioner in Spl.Case No.2 of 2015 passed by the learned Special Judge-cum-Chief Judicial Magistrate, Chengalpattu, dated 28.02.2025 and enlarge the petitioner on bail, pending disposal of the main appeal

For Petitioner : Mr.R.Vijayakumar

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

ORDER

The petitioner/Accused in Spl.Case.No.02 of 2015 was convicted by the trial Court by the judgment dated 28.02.2025 for offences under Sections 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act and sentenced to undergo two years 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 the Prevention of Corruption Act, 1988 and to undergo two years simple imprisonment and to pay a fine of Rs.10,000/-, in default, to



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undergo one month simple imprisonment, for the offence under Sections 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, against which, the petitioner preferred the above appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

2.The learned counsel for petitioner submitted that in this case the demand itself is highly doubtful. According to the prosecution, the de-facto complainant/PW2/decoy had given an application on 22.07.2013 for issuance of patta and approached the Alandur Taluk office on 26.07.2013, where he was directed to approach the petitioner. The petitioner is a Firka Surveyor in Pallavaram Municipality. It was projected as though on 18.09.2017, the de-facto complainant approached the petitioner, on which day, the petitioner made a demand of Rs.5,000/-, later the demand was reduced to Rs.4,000/- and trap was laid on 06.11.2013.



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3. The further contention of the petitioner is that as regards issuance of patta, the entire process completed on 04.09.2013. Hence, the contention of the de-facto complainant that on 18.09.2013, he approached the petitioner, the petitioner demanded Rs.5,000 and subsequently, on 05.11.2013 the demand was reduced, would not arise. Further, the patta has been seized from the Taluk Office, which confirms that patta was made ready on 04.09.2013. This fact has not been considered by the trial Court and the trial Court had given a different version that Ex.P8 is not patta and it is only Town Survey Land Report. There is also discrepancy with regard to the place of trap. The Revenue officials categorically confirmed that patta already made ready and it is with the Taluk Office. In such circumstances, the question of demand does not arise. It is *sine qua non*, for the trap there must be demand, acceptance and recovery. In this case, it is not so. He further submitted that the trial Court already suspended the sentence of the petitioner till 01.04.2025.



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4.The learned Government Advocate (Crl. Side) submitted that in this case, PW2 is the decoy witness, PW3 is the shadow witness, PW11 is the Trap Laying Officer. PW2 approached the petitioner for survey and issuance of patta in his name. There was a family partition between PW2, PW8 and PW9. The petitioner kept the application pending for nearly 1 ½ months and thereafter demanded the bribe amount. The decoy witness had given a complaint to PW11. After following the pre-trap proceedings, the trap was laid on 06.11.2013. The petitioner was caught red-handed while receiving the bribe amount of Rs.4,000/-, which he kept in his left pant pocket. Phenolphthalein test confirmed the same. The witnesses PW2, PW3, PW8, PW9 and PW11 confirm the petitioner's demand of bribe and recovery. Further submitted that during trial, on the side of the prosecution, PW1 to PW12 examined and Exs.P1 to P14 marked and material objects M.O.1 to M.O.5 produced. The Court document marked as Ex.C1. On the side of the defence, no witnesses examined and no documents marked. On conclusion of



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the trial, the Trial Court on the evidence of witnesses and the materials produced had rightly convicted the petitioner. He fairly submitted that the petitioner's sentence was suspended by the trial Court in Crl.M.P.No.17 of 2025 till 01.04.2025.

5.Considering the submissions made and the fact that the petitioner has raised substantial grounds in the above appeal, which requires consideration and also the fact that the trial Court already suspended the sentence of the petitioner in Crl.M.P.No.17 of 2025 till 01.04.2025, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

6.Accordingly, the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the appeal and he is ordered to be enlarged on bail, on condition that he 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.



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7. 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 he is not able to appear before the Trial Court on that day, he 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.

8. Accordingly, this Criminal Miscellaneous Petition is ordered.

12.03.2025
(2/2)

rsi

To

1. The Special Judge-cum-Chief Judicial Magistrate,
Chengalpattu.

2. The Inspector Of Police,
Vigilance And Anti-corruption,
Special Investigation Cell, Chennai - 600 016.

3. The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR, J.
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