



CRL MP NO. 4941 OF 2025
in CRL A No. 278 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP NO. 4941 OF 2025

in

CRL A No. 278 of 2025

G.K.Venkatesan
S/o.G.M.Karupannan, Secretary,
Gobichettipalayam Co-operative
Building Association,
Gobichettipalayam, Erode District.

Petitioner/Accused

Vs

State Represented By
Inspector Of Police,
Vigilance And Anti-corruption Wing,
Erode District.
Crime No.03/AC/2009/ER

Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) BNSS, praying to suspend the sentence imposed on the petitioner by the judgment dated 25.02.2025 made in Special C.C.No.41/2015, on the file of the Chief Judicial Magistrate cum Special Judge, Erode and enlarge the petitioner on bail, pending disposal of above appeal.



CRL MP NO. 4941 OF 2025
in CRL A No. 278 of 2025

WEB COPY

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

ORDER

The petitioner/Accused in Spl.C.C.No.41 of 2015 was convicted by the trial Court by the judgment dated 25.02.2025 and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment, for the offence under Section 167 of I.P.C., to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment, for the offence under Section 409 of I.P.C., to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment, for the offence under Section 420 of I.P.C., to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment, for the offence under Section 465 of I.P.C., to undergo two years rigorous imprisonment and to pay



CRL MP NO. 4941 OF 2025
in CRL A No. 278 of 2025

WEB COPY

a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment, for the offence under Section 467 of I.P.C., to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment, for the offence under Section 468 of I.P.C., to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment, for the offence under Section 471 of I.P.C., to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment, for the offence under Section 474 of I.P.C. and to undergo two years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment, for offences under Sections 13(2) r/w 13(1)(c) & (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.



CRL MP NO. 4941 OF 2025
in CRL A No. 278 of 2025

WEB COPY

2.The contention of the learned counsel for petitioner is that the trial Court failed to look into the fact that PW3, PW6 and PW7 have admitted that petitioner repaid the entire amount of Rs.16,00,000/- to the Society. In fact, charge against the petitioner is that the petitioner misappropriated a sum of Rs.12,35,000/-. But over and above the alleged misappropriated amount paid by the petitioner. Further, in this case, there was no sanction obtained to proceed against the petitioner under the Prevention of Corruption Act. He further submitted that pursuant to the enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, there was no recovery proceedings initiated against the petitioner. These factors not considered by the trial Court. Further, the petitioner is not the only authority in the Society. He is an approving authority, where the bills were placed before him after scrutinisation. The petitioner is only an overseeing authority and he has been solely implicated.



CRL MP NO. 4941 OF 2025
in CRL A No. 278 of 2025

WEB COPY

3.The learned Government Advocate submitted that during trial, on the side of the prosecution, PW1 to PW16 examined and Exs.P1 to P66 marked. On the side of the defence, no witnesses examined and no documents marked. On conclusion of the trial, the Trial Court on the evidence of witnesses and the materials produced, convicted the petitioner as stated above. He fairly submitted that petitioner paid the fine amount and his sentence has been suspended by the trial Court till 15.04.2025.

4.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.457 of 2025 till 15.04.2024, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

5.Accordingly, the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the appeal and he is ordered to



CRL MP NO. 4941 OF 2025
in CRL A No. 278 of 2025

WEB COPY

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.

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 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.

7.Accordingly, this Criminal Miscellaneous Petition is ordered.

17.03.2025

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CRL MP NO. 4941 OF 2025
in CRL A No. 278 of 2025

To

1. The Chief Judicial Magistrate cum Special Judge,
Erode.
2. The Inspector of Police,
Vigilance And Anti-corruption Wing,
Erode District.
3. The Public Prosecutor,
High Court, Madras.



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CRL MP NO. 4941 OF 2025
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M. NIRMAL KUMAR, J.
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CRL MP NO. 4941 OF 2025
in
CRL A No. 278 of 2025

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(2/2)