



CRL MP NO.6089 OF 2025
in CRL A No.311 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP NO. 6089 OF 2025

in

CRL A No. 311 of 2025

Venkatesan.S

S/o Swamnathan, Male Aged 58

Yeaes, Residing At No-25/3 Ldg

Road, Little Mount Chennai 15.

Petitioner/Accused

Vs

The State of Tamilnadu,
The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Special Investigation Cell,
Chennai 28.
Crime No 10/AC/2008/HQ

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. r/w 27 of the Prevention of Corruption Act, praying to suspend the sentence awarded in the judgment dated 21.03.2025 made in C.C.No.30/2011 on the file of the Special Court for prevention of corruption Act cases Chennai and enlarge the petitioner on bail pending disposal of the Criminal Appeal.



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For Petitioner(s): Mr.S.Karthikeyan

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

ORDER

The petitioner/Accused in C.C.No.30 of 2011 was convicted by the trial Court by the judgment dated 21.03.2025 for offences under Sections 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 (hereinafter 'P.C. Act') and sentenced to undergo four years rigorous imprisonment and to pay a fine of Rs.50,000/-, in default, to undergo three months simple imprisonment, for the offence under Section 7 of P.C. Act and to undergo five years rigorous imprisonment and to pay a fine of Rs.50,000/-, in default, to undergo six months simple imprisonment, for the offences under Sections 13(2) r/w 13 (1) (d) of P.C. Act, against which, the petitioner preferred the above appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.



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2.The contention of the petitioner is that in this case PW2/decoy in his evidence had clearly deposed that the amount has been given for purchase of cable and there was no demand of bribe, which is supported by the evidence of PW4, the official witness from the Electricity Department, who confirms that for immediate connection and for purchase of cables, amounts collected from the consumer and estimate cost to be worked out at the time of actual laying of cable. Then only the actual cost would be known and it is the practice that in advance the amount is paid to purchase the cable. This fact completely not considered by the trial Court. Further, the trial Court found that the evidence of PW2 not supported the case of the prosecution. Though the trial Court convicted the petitioner on the evidence of PW2/decoy witness and PW3/accompanying witness, in the judgment at page 26, observed that action to be taken against PW2 under Section 193 of I.P.C. invoking Section 340 of Cr.P.C., which would clearly shows that the trial Court not come to a conclusive proof and invoking Section 20 of the P.C. Act and convicting the



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petitioner is not proper.

3.The learned Government Advocate (Crl. Side) on the other hand submitted that in this case, PW2 is the decoy witness, PW3 is the accompanying witness, PW10 is the Trap Laying Officer and PW11 is the other official witness, who all clearly state about demand of bribe and thereafter petitioner receiving the bribe amount from the de-facto complainant/PW2 in the presence of PW3 and thereafter on getting signal PW10 enters the office of petitioner, recovers bribe amount in presence of PW11. These facts clearly spoken to by those witnesses. Had the petitioner collected the amount lawfully, there could be records for the same. In this case it is not so. The trial Court on the evidence of PW1, PW2, PW3, PW4, PW10, PW11, PW12 and Ex.P14 found that the initial demand, final demand, acceptance and recovery of bribe amount proved and the Trial Court rightly convicted the petitioner.



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4.The learned counsel for the petitioner refuted the contention of the learned Government Advocate. Referring to Exs.P11 and P12 submits that PW4 admits the purchase of cable for the de-facto complainant and the petitioner had given a probable explanation, which was not considered by the trial Court.

5.Considering the submissions made and the fact that the petitioner has raised substantial grounds in the above appeal, which needs reconsideration and appeal is not likely to be taken up in the near future, 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.

26.03.2025
(2/2)

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Note: Issue order copy on 26.03.2025



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To

- 1.The Special Judge,
Special Court for the cases under Prevention of Corruption Act,
Chennai.
- 2.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Special Investigation Cell,
Chennai 28.
- 3.The Superintendent,
Central Prison, Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR, J.
rsi

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(2/2)