



CRL MP NO. 6434 OF 2025

in

CRL A No. 332 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP NO. 6434 OF 2025

in

CRL A No. 332 of 2025

S.Udhayakumar

S/o. Sivaprakasam, No.120, Thendral

Nagar, Anaikkaram Sathiram,

Samiyam Roadm Kollidam Post,

Maiyladuthurai District - 609 102.

Petitioner/Accused

Vs

State Rep.By,

The Inspector Of Police,

Cuddalore. Cr.No.2/2012.

Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of BNSS, praying to suspend the substantial sentence of imprisonment imposed on the petitioner by the order of the Chief Judicial Magistrate / Special Judge, Cuddalore in S.C.No.3 of 2014 dated 01.03.2025 and grant bail to the petitioner pending disposal of the above Criminal Appeal



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For Petitioner : Mr.G.Bala
for M/s.G.Bala and Daisy
For Respondent: Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

ORDER

The petitioner/Accused in S.C.No.3 of 2014 was convicted by the trial Court by the judgment dated 01.03.2025 and sentenced to undergo two years simple imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment, for offence under Section 7 of the Prevention of Corruption Act and sentenced to undergo two years simple imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment, for offences 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.



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2.The contention of the learned counsel for petitioner is that the petitioner was posted as Special Sub-Inspector of Police at Killai Police Station during the relevant period. The de-facto complainant/PW2 is the Driver of the Maruti Car, who caused accident causing injury to PW5, who fell unconscious and thereafter taken to hospital. It was found that PW2 was driving the car without any insurance. PW4 wife of PW5 informed that she needs some money for PW5's medical treatment. This was putforth to PW2 and PW2 agreed to pay the injured. It was also found that vehicle was driven by PW2 without any insurance. Hence, payment of money for the treatment was necessary. But on the other hand PW2 projected as though the petitioner demanded Rs.5,000/- on 20.02.2013 as illegal gratification, later reduced to Rs.2,000/-. In this case, the arrest card/Ex.P12 shows that PW2 appeared in police station on 18.02.2013 and released on station bail. This fact was suppressed and projected as though the vehicle was detained by the petitioner and demanded bribe amount. He further submitted that in this case, the trap



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amount is Rs.2,000/-, added to it, another Rs.500/- handed over for the purpose of treatment expenses, which was not considered by PW11/Trap Laying Officer. The petitioner gave an explanation but not considered, the trial Court also not considered the petitioner's explanation. Further in this case, there was no demand, the vehicle involved in the accident was produced for Motor Vehicle Inspection on 28.12.2013 on which day, the petitioner was implicated in the trap. After inspection of Motor Vehicle Inspector, the vehicle would be normally handed over to the vehicle owner. This fact was not considered. In fact, PW4 and PW5 supported the petitioner's explanation. He further submitted that petitioner paid the fine amount and the trial Court suspended the sentence of the petitioner in Crl.M.P.No.2326 of 2025 dated 01.03.2025 for a period of 30 days, i.e., till 01.04.2025.

3.The learned Government Advocate submitted that in this case PW2 is the de-facto complainant. On his complaint PW11/TLO registered F.I.R.,



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PW3 is the accompanying witness. PW2 caused accident, PW5 sustained injury. Thereafter finding that vehicle was not insured it was detained by the petitioner and huge bribe amount was demanded, which was later reduced to Rs.2,000/-. Thereafter following the pre-trap proceedings trap was laid in the presence of PW3. PW2 handed over demanded bribe amount of Rs.2,000/- to the petitioner, who received and kept in his pocket and thereafter trap team entered, who confirmed the petitioner received bribe amount and phenolphthalein test also confirmed the same. Before the trial Court on the side of the prosecution, PW1 to PW12 examined and Exs.P1 to P18 marked and M.O.1 to M.O.6 produced. On the side of the defence, no witnesses examined and no documents marked. Since the petitioner accept that he received the amount for the medical expenses of PW5, it is for the petitioner to prove his case. In this case, he failed to prove and probabalise his defence. On conclusion of the trial, the Trial Court on the evidence of witnesses and the materials produced, had rightly convicted the petitioner. He fairly



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submitted that the petitioner paid the fine amount and his sentence has been suspended by the trial Court till 01.04.2025.

4.Considering the submissions made and the fact that the petitioner has raised substantial grounds in the above appeal, which needs re-consideration and also the fact that the trial Court already suspended the sentence of the petitioner in Crl.M.P.No.2326 of 2025 till 01.04.2025, 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 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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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.

01.04.2025

(2/2)

rsi

Note: Issue order copy on 01.04.2025.

To

1. The Chief Judicial Magistrate / Special Judge,
Cuddalore.
2. The Inspector of Police,
Cuddalore.
3. The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR, J.
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