



CRL MP NO. 7247 OF 2025

in

CRL A No. 354 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 09-04-2025**

CORAM

**THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR**

**CRL MP NO. 7247 OF 2025**

**in**

**CRL A No. 354 of 2025**

K.Durairaj  
S/o. Krishnan, Assistant Engineer,  
TNEB Sinnavedampatti, Residing at  
No.6B, Ramasamy Layout,  
Avarampalayam, Coimbatore - 641  
006.

Petitioner/Accused

Vs

State Rep.by,  
The Inspector of Police,  
Vigilance and Anti Corruption,  
Coimbatore.

Respondent(s)

**PRAYER:** Criminal Miscellaneous Petition filed under Sections 430(1) & (3) of BNSS, praying to suspend the sentence and enlarge the petitioner on bail in Special Case No.61 of 2011 on the file of the Special judge for cases under Prevention of Corruption Act at Coimbatore.



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For Petitioner : Mr.V.N.Krishnamurthy  
For Respondent: Mr.S.Udaya Kumar  
Government Advocate (Crl. Side)

### **ORDER**

The petitioner/Accused in Spl.C.C.No.61 of 2011 was convicted by the trial Court by the judgment dated 18.03.2025 for offences under Sections 7, 13(2) r/w. Section 13(1)(d) (2 counts) of the Prevention of Corruption Act (hereinafter 'P.C. Act') and sentenced to undergo one year rigorous imprisonment for each count and to pay a fine of Rs.2,500/- for each count, in default, to undergo two months simple imprisonment, for the offence under Section 7 of P.C. Act and sentenced to undergo one year rigorous imprisonment for each count and to pay a fine of Rs.2,500/- for each count, in default, to undergo two months simple imprisonment, for the offences under Sections 13(2) r/w. 13(1)(d) of the 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, the case projected is that the petitioner was working as Assistant Engineer, TNEB, Chinnavedampatty, Coimbatore. PW2/de-facto complainant, who is residing at Vasuki Veethi, Maniyakarampalayam, Coimbatore had rented out a house to one Jayaraj for grocery shop for which, she needed to change the EB service connection from domestic use to commercial use. The de-facto complainant's mother met the petitioner in this regard and submitted an application on 17.08.2009. At that time, the petitioner said to have demanded a bribe amount of Rs.3,300/- as illegal gratification. On 17.08.2009, the de-facto complainant met the petitioner at his office and informed the petitioner that she had only Rs.1,500/- with her. The petitioner received a sum of Rs.1,500/- from the de-facto complainant and issued receipt for Rs.125/- and instructed her to bring the balance amount of Rs.1,800/- on the next day. The de-facto complainant not willing to pay the bribe amount, hence, lodged a complaint. On the



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complaint, trap was laid on 21.08.2009, on which day, the petitioner said to have received a sum of Rs.300/- from the de-facto complainant as illegal gratification. Thereafter the petitioner was arrested.

3.The learned counsel for petitioner submitted that in this case the demand itself is highly artificial. It was projected that on 17.08.2009, the petitioner demanded Rs.3,300/-, thereafter he accepted to receive bribe in two installments, viz., Rs.1,500/- as first installment and Rs.1,800/- as second installment and thereafter received first installment, issued receipt in favour of the de-facto complainant and for the further demand, complaint is said to have made and Rs.300/- was projected as part bribe amount, which is highly artificial. In this case, the amount was thrust on the petitioner. On 18.08.2009 domestic connection already converted from residential to commercial connection, which is proved through the Demand Register/Ex.P14 and Exs.D1 and D2. It is to be seen that from 23.03.2009 to 24.11.2009, there is



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no usage of power and there is no meter reading. The de-facto complainant falsely projected a case against the petitioner. The accompanying witness is an obliging witness. The Trap Laying Officer/PW11 to some how succeed in the trap foisted the case, despite there was no demand of any bribe amount. It is *sine qua non*, further for the trap there must be demand, acceptance and recovery. In this case, it is not so, which the trial Court failed to consider. He further submitted that the trial Court already suspended the sentence of the petitioner till 17.04.2025.

4.The learned Government Advocate (Crl. Side) on the other hand submitted that in this case PW2 is the de-facto complainant, who had gone to the petitioner's office for conversion of domestic EB service connection to commercial service connection, for which the petitioner demanded a bribe amount of Rs.3,300/-. Later on the request of de-facto complainant, the petitioner accepted to receive the same in two installments, viz., Rs.1,500/-



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and Rs.1,800/-. Initially the amount was received by him on 17.08.2009 and receipt was issued for Rs.125/- alone. Again the demand continued and power connection, in records though changed, but not effected. For that reason complaint lodged and trap was laid on 21.08.2009 and the petitioner was caught red-handed. The demand and receipt of bribe amount proved by the evidence of PW2, PW3 and TLO/PW11. Phenolphthalein test confirms the petitioner receiving the bribe amount. Before the trial Court, on the side of prosecution PW1 to PW13 examined, Exs.P1 to P15 marked and M.O.1 to M.O.7 produced. On the side of defence, one Kannan examined as DW1 and marked two documents Exs.D1 and D2. The trial Court on the evidence of witnesses and materials produced, had rightly convicted the petitioner. He submitted that the trial Court already suspended the sentence of the petitioner till 17.04.2025.



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5.Considering the submissions made and on perusal of the material it is seen that in this case the demand is highly doubtful. It is projected that initial demand was for Rs.3,300/- on 17.08.2009, thereafter petitioner accepted to receive the bribe amount in two parts, the demand said to have continued on 21.08.2009. The petitioner was trapped and an amount of Rs.300/- recovered. There is no reason given as to how the initial demand of Rs.3,300/- accepted to be received in two installments of Rs.1,500/- and Rs.1,800/- and for what reason Rs.300/- agreed to be received on the trap day. These facts not properly considered by the trial Court, which needs reconsideration. Further considering the fact that the trial Court already suspended the sentence of the petitioner till 17.04.2025, 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



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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.

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.

**09.04.2025**

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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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**M. NIRMAL KUMAR, J.**  
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