



CRL MP NO. 7193 OF 2025
in CRL A No. 351 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP NO. 7193 OF 2025

in

CRL A No. 351 of 2025

R.Munusamy
S/o.Raji, 3.133, Kanakambaram
Street, TN Government Transport
Employees Nagar, Kandamanadi and
Post, Villupuram Taluk and District -
605 401.

Petitioner/A2

Vs

State rep. by
The Inspector of Police, Vigilance and
Anti-Corruption, Cuddalore.

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Sections 430 of BNSS, praying to suspend the sentence imposed upon the petitioner by the learned Special Judge-cum-Chief Judicial Magistrate, Cuddalore in Special Case No.6 of 2013 by Judgement dated 19/03/2025 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.



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For Petitioner : Mr.C.Prasanna Venkatesh
For Respondent: Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner/A2 in Spl.C.No.6 of 2013 was convicted by the trial Court by the judgment dated 19.03.2025 for offences under Sections 12 r/w 7, 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act (hereinafter 'P.C. Act') and Section 109 of I.P.C. and sentenced to undergo one year simple imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment, for the offences under Sections 12 r/w 7 of the P.C. Act, 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 the offence under Sections 13(2) r/w 13(1)(d) of the P.C. Act and sentenced to undergo six months simple imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo two months simple imprisonment for the offence under Section 109 of I.P.C. against which, the petitioner preferred the above appeal



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along with the instant miscellaneous petition seeking suspension of sentence and bail.

2.The contention of the petitioner is that the petitioner retired as Junior Assistant in the Sub Registrar Office, Chidambaram. On 05.07.2012, he went to enquire about his retirement benefits and other emoluments. Since it was crowded he was waiting for reply from the office. Due to his health ailments and old age he was sitting before a table. At that time it was projected as though the de-facto complainant/PW2 had placed the bribe amount in the table on the directions of A1, who is the Special Tahsildar (Temple Lands), Chidambaram. The petitioner is not aware about any of the transactions between A1 and the de-facto complainant. The de-facto complainant in his evidence admits that he just placed the amount on the table, where the petitioner was sitting. There made no demand with the petitioner. There is nothing to show that the petitioner had any knowledge about demand of bribe by A1. The petitioner though had given explanation to the Trap Laying



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Officer/PW9, he had not recorded the same. But at the time of remand, the remanding Magistrate recorded the petitioner's explanation that the amount was recovered from the table and there was no recovery from the petitioner. This fact has not been considered by the trial Court, on the other hand in the judgment it referred that PW2 treated as hostile. In this case PW2 never treated as hostile and it is the own interpretation of the trial Court. He further submitted that sentence imposed on the petitioner already suspended by the trial Court till 19.04.2025.

3.The learned Government Advocate submitted that in this case the de-facto complainant approached A1 for issuance of No Objection Certificate for getting electricity connection. The land is a temple land. The EB department, insisted that unless no objection certificate from A1 is obtained they will not provide electricity connection, hence, the de-facto complainant approached A1, who demanded bribe amount of Rs.3,000/-, which was later



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reduced to Rs.2,500/-. Not willing to pay the bribe amount, the de-facto complainant lodged a complaint to PW9, who register F.I.R., laid trap. PW3 is the accompanying witness. PW2 and PW3 went to the office of A1. A1 issued No Objection Certificate after confirming PW2 brought bribe amount, thereafter asked the bribe amount to be placed in the opposite table, where the petitioner was sitting. The petitioner not objected for the amount being placed there but now takes a stand that he is not aware about the demand of bribe amount. In this case, during trial, PW1 to PW10 examined, Exs.P1 to P29 marked and M.O.1 to M.O.3 produced. On the side of the defence, DW1 examined and marked Exs.D1 and D2. The trial Court on the evidence of witnesses finding that there was demand, acceptance and recovery, had convicted the petitioner of abetting A1. He further submitted that the trial Court had already suspended the sentence of the petitioner till 19.04.2025.



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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 till 19.04.2025, 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.

6. Further, the petitioner/A2 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



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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.

15.04.2025
(2/2)

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To

1. The Special Judge-cum-Chief Judicial Magistrate,
Cuddalore.
2. The Inspector of Police,
Vigilance and Anti Corruption,
Cuddalore.
3. The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR, J.
rsi

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