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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP NO. 7615 of 2025

IN

CRL A NO. 373 OF 2025

K.Asokan

S/o.Kaliaperumal, Plot No.23, Velavan Nagar,
Kannangudi Road, Chidambaram-608 001.

Appellant(s)

Vs

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

Respondent(s)

For Appellant(s):

C.Prasanna Venkatesh
Jayanthi Venkatesh
S.Murali
P.Mallikarjun

For Respondent(s):

Mr.L.Baskaran
Public Prosecutor (V and AC)

ORDER

The petitioner/A1 in Spl.C.No.6 of 2013 was convicted by the trial Court by the judgment dated 19.03.2025 for offences under Sections 7, 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act (hereinafter 'P.C. Act') and sentenced to undergo two years simple imprisonment and to pay a fine of



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Rs.5,000/-, in default, to undergo six months simple imprisonment, for the offences under Sections 7 of the P.C.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 the offence 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.

2. The contention of the petitioner is that he was serving as the Special Tahsildar, Temple Lands. The defacto complainant [PW.2] claims that the petitioner demanded a bribe amount of Rs.4,000/-, which was subsequently reduced to Rs.3,000/-, for issuing a No Objection Certificate to enable PW.2 to obtain EB connection. The demand was eventually reduced further to Rs.2,500/-. On the day of trap i.e., on 05.07.2012, PW.2 is said to have agreed to give the bribe amount. Thereafter, the petitioner allegedly placed the bribe amount on the opposite table. In this case, it is admitted that there is no recovery from the petitioner, the recovery was made from A2. This fact has not been considered by the trial Court, on the other hand in the judgment it referred that PW.2 treated as hostile. In this case PW.2 never



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treated as hostile and it is the own interpretation of the trial Court. Further, the petitioner had no authority to issue an NOC for a power connection. It is submitted that the petitioner was taking steps to identify the individuals occupying temple properties and initiate action to evict the encroacher. Hence, he has been falsely implicated in this case.

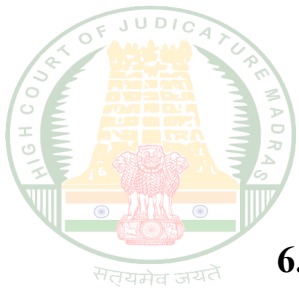
3. The learned Government Advocate submitted that in this case the de-facto complainant approached A1 for issuance of No Objection Certificate for getting electricity connection. The land is a temple land. The EB department insisted that unless no objection certificate from A1 is obtained they will not provide electricity connection, hence, the de-facto complainant approached A1, who initially demanded bribe amount of Rs.4,000/-, which was later reduced to Rs.2,500/-. Not willing to pay the bribe amount, the de-facto complainant lodged a complaint to PW.9, who register F.I.R., laid trap. PW3 is the accompanying witness. PW.2 and PW.3 went to the office of A1. A1 issued No Objection Certificate after confirming PW.2 brought bribe amount, thereafter, asked the bribe amount to be placed in the opposite table, where the A2 was sitting. A2 is none other than a retired Junior Assistant in the Sub Registrar Office, Chidambaram. In this



case, during trial, PW.1 to PW.10 examined, Exs.P.1 to P.29 marked and M.O.1 to M.O.3 produced. On the side of the defence, DW.1 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. He further submitted that the trial Court had already suspended the sentence of the petitioner till 19.04.2025.

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 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.



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6. Further, the petitioner/A1 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.

17.04.2025

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Note: Issue Today

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 of Madras,
Chennai.



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M. NIRMAL KUMAR, J.

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