



CRL MP NO. 8693 OF 2025
in CRL A No. 411 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP NO. 8693 OF 2025

in

CRL A No. 411 of 2025

G.Munusamy
S/o. Govindarasu, No.65, Mullai
Street, C-operative Nagar, Vanniar
Palayam, Cuddalore - 607 001.

Petitioner/Accused

Vs

State Rep.by,
The Inspector of Police,
Vigilance and Anti-Corruption,
Cuddalore. Cr.No.3/2013.

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Sections 430 of BNSS, praying to suspend the substantial sentence of imprisonment imposed on the petitioner by the order of the Chief Judicial Magistrate / Special Court, Cuddalore in S.C.No.6 of 2014 dated 17.04.2025 and grant bail to the petitioner pending disposal of the above Criminal Appeal.



CRL MP NO. 8693 OF 2025
in CRL A No. 411 of 2025

WEB COPY

For Petitioner : Mr.G.Bala

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

ORDER

The petitioner/Accused in Special Case No.06 of 2014 was convicted by the trial Court by the judgment dated 17.04.2025 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 the offence under Section 7 of the Prevention of Corruption Act (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 Section 11 of 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 offences under Sections 13(2) r/w. 13(1)(d) of the P. C. Act. The



CRL MP NO. 8693 OF 2025
in CRL A No. 411 of 2025

WEB COPY

sentences are directed to run concurrently, 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 learned counsel for petitioner is that the de-facto complainant/PW2 in his evidence clearly stated that it was one Murugan, Commercial Inspector, who has to visit the place, assess the requirement and fix the charges for new connection. The petitioner as Line Inspector is only to effect the connections as per the orders of Commercial Inspector. The decoy witness approached PW7/Damodharan, Assistant Engineer, who directed him to approach the Commercial Inspector, Murugan, who instructed the de-facto complainant about the power connection. The petitioner has no role in the transactions between Murugan and the de-facto complainant. The petitioner was thrust with the amount of Rs.1,000/- stating that the amount to be given to Murugan, who was very much available in the



CRL MP NO. 8693 OF 2025
in CRL A No. 411 of 2025

WEB COPY

office. But he was not questioned neither as accused nor as witness. No reason has been given by the TLO/PW8 in this regard. The trial Court failed to consider the same. He further submitted that the trial Court had already suspended the sentence of the petitioner till 16.05.2025.

3.The learned Government Advocate (Crl. Side) on the other hand submitted that in this case PW2 not supported the case of the prosecution. He was declared as hostile. PW3 states that PW2 and PW3 entered the office of the petitioner and the petitioner demanded bribe amount, received the same and kept in his pocket. Thereafter trap team entered, recovered amount and phenolphthalein test confirmed the petitioner received bribe amount. He further submitted that the complaint of PW2 is that he submitted an application to Assistant Engineer/PW7/Damodharan for power connection to his brother's house. Thereafter, he met Murugan and Murugan took some time, hence complaint was lodged. Murugan neither examined as witness nor



CRL MP NO. 8693 OF 2025
in CRL A No. 411 of 2025

WEB COPY

as an accused. He further submitted that the trial Court already suspended the sentence of the petitioner till 16.05.2025.

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 considering the fact that the trial Court already suspended the sentence of the petitioner till 16.05.2025, 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.



CRL MP NO. 8693 OF 2025
in CRL A No. 411 of 2025

WEB COPY

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.

28.04.2025
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CRL MP NO. 8693 OF 2025
in CRL A No. 411 of 2025

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To

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



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CRL MP NO. 8693 OF 2025
in CRL A No. 411 of 2025

M. NIRMAL KUMAR, J.
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CRL MP NO. 8693 OF 2025
in
CRL A No. 411 of 2025

28.04.2025
(2/2)