



CRL MP NOS.9193 and 9213 OF 2025
in CRL A Nos.423 and 424 OF 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP NOS. 9193 and 9213 OF 2025

in

CRL A Nos. 423 and 424 OF 2025

CRL MP NOS. 9193 of 2025

R.Valliyammal
W/o. Rajendran Formerly, Panchayat
President, Karnavoor Panchayat,
Kaveripakkam Union, Vellore District.
Haviding permanent address at
No.72/1, Bajanai Kovil, Vedanthangal
Gramam, Karnavoor, Kizveeranam,
Vellore.

Petitioner/A5

Vs

The State Rep.by,
The Inspector of Police,
Vigilance and Anti Corruption,
Vellore, Cr.No.12/2015.

Respondent(s)



CRL MP NOS.9193 and 9213 OF 2025
in CRL A Nos.423 and 424 OF 2025

WEB COPY

CRL MP No.9213 of 2025

1. S.Hariharan

S/o.Sakthivel, Formely B.D.O,
Kaveripakkam, Vellore, Having his
permanent address at No.21,1st Street,
Kamaraj Nagar, Thorapadi, Vellore.

2.T.Palanisamy

S/o.Thangappan, Formerly Union
Engineer, Kaveripakkam Union,
Having his Permanent address at 7,8th
Cross Street, Bharathinagar Extention,
Dharapadavedu, Katpadi.

3.V.Santhachezian

S/o.Vilvanathan, Formerly Overseer,
Kaveripakkam Union, Vellore, Having
his Permanent address at No.12B, 9th
Street, Bharathinagar Dharapadavedu,
Katpadi.

4.S.Sankar

S/o.Sanjeevarayan, Panchayat
Secretary, Vedanthangal, Having his
Permanent address at No.75/1, Bajanai
Kovil Street, Vedanthangal, Karnaur,
Kizveeranam, Vellore.

Petitioners/A1 to A4



CRL MP NOS.9193 and 9213 OF 2025
in CRL A Nos.423 and 424 OF 2025

WEB COPY

Vs

The State Rep by,
The Inspector of Police,
Vigilance and Anti Corruption,
Vellore. Cr.No.12/2015.

Respondent(s)

PRAYER in CrI.M.P.No.9193 of 2025: Criminal Miscellaneous Petition filed under Sections 430(1) of BNSS, praying to suspend the substantive sentence imposed on the petitioner in Spl.CC.No.21 of 2024 by the Special Judge/ Chief Judicial Magistrate, Ranipet dated 17.04.2025 and to enlarge the petitioner on bail, pending disposal of the above criminal appeal.

PRAYER in CrI.M.P.No.9213 of 2025: Criminal Miscellaneous Petition filed under Sections 430(1) of BNSS, praying to suspend the substantive sentence imposed upon them Spl.C.C.No.21/2024 by the Special Judge/Chief Judicial Magistrate, Ranipet in dated 17.04.2025 and enlarge the petitioners on bail, pending disposal of the above Criminal Appeal.

For Petitioners : Mr.Adithya Varadarajan
in both cases

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



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CRL MP NOS.9193 and 9213 OF 2025
in CRL A Nos.423 and 424 OF 2025

COMMON ORDER

The petitioners/A1 to A5 in Spl.C.C. No.21 of 2024 were convicted by the trial Court by the judgment dated 17.04.2025 for offences under Sections 120(B), 409, 420, 467, 468, 471 of IPC r/w 13(2) r/w 13(1)(c) and (d) of the Prevention of Corruption Act, 1988 ('PC Act'). Each accused were sentenced to undergo one year simple imprisonment and each to pay a fine of Rs.1,000/- in default, to undergo one month simple imprisonment, for the offence under Section 120(B) of I.P.C., each accused sentenced to undergo one year simple imprisonment and each to pay a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment, for the offence under Section 409 of I.P.C., each accused sentenced to undergo one year simple imprisonment and each to pay a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment, for the offence under Section 420 of I.P.C., each accused sentenced to undergo one year simple imprisonment and each to pay a fine of Rs.1,000/-,



CRL MP NOS.9193 and 9213 OF 2025
in CRL A Nos.423 and 424 OF 2025

WEB COPY

in default, to undergo one month simple imprisonment, for the offence under Section 467 of I.P.C., each accused sentenced to undergo one year simple imprisonment and each to pay a fine of Rs.500/-, in default, to undergo one month simple imprisonment, for the offence under Section 468 of I.P.C., each accused sentenced to undergo one year simple imprisonment and each to pay a fine of Rs.500/-, in default, to undergo one month simple imprisonment, for the offence under Section 471 of I.P.C. and each accused sentenced to undergo one year simple imprisonment and each to pay a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment, for the offence under Sections 13(2) r/w. 13(1)(c) and (d) of PC Act. The sentences are directed to run concurrently, against which, the petitioners have preferred the above appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.



CRL MP NOS.9193 and 9213 OF 2025
in CRL A Nos.423 and 424 OF 2025

WEB COPY

2. The contention of the learned counsel for petitioners is that A1 in this case is the Block Development Officer, A2 is the Union Engineer, A3 is the Overseer, A4 is the Panchayat Secretary of Karnavoor Panchayat and A5 is the Panchayat President of Kaveripakkam Union, Vellore District. The case projected against the petitioners is that during the period from July, 2011 to November, 2013, they conspired with each other, misappropriated the funds allotted to beneficiaries under the scheme of Kalaignar Veedu Vazhangum Thittam. A2 being the Union Engineer and A3 being the Overseer made false entries in 'M Books' about the building measurement for 10 beneficiaries and showed that houses were constructed and completed but on physical verification, it was found otherwise. A3 prepared false completion report and A4 being the Panchayat Secretary, in connivance with the other accused, knowing well that the entries made are false, had fabricated the expenditure report and A1 being the Block Development Officer, knowing that all the documents were fabricated, houses were not constructed as projected, without



CRL MP NOS.9193 and 9213 OF 2025
in CRL A Nos.423 and 424 OF 2025

WEB COPY

completion issued a proceedings for payment of beneficiary amount under the scheme. A5 being the Panchayat President signed the cheques in favour of the 10 beneficiaries, hence caused loss to the tune of Rs.4,67,602/-.

3.The contention of the learned counsel for petitioners is that in this case PW2 to PW7 are the beneficiaries under the Kalaignar Veedu Vazhangum Thittam, who confirmed that houses were constructed and it was measured and further overseen by the Panchayat Union Engineer. Thereafter on physical verification completion certificate prepared. In some cases, initially basement was laid in wrong house site, later it was shifted and in correct house site, houses were constructed. In fact all the beneficiaries PW2 to PW7 confirmed that houses were constructed and they received the scheme amount. The Government officials, namely, PW10 to PW16 stated about certain violations in the procedures that was followed and the Village Administrative Officer also gave a certificate as per the dictum of the



CRL MP NOS.9193 and 9213 OF 2025
in CRL A Nos.423 and 424 OF 2025

WEB COPY

respondent. The photographs, which were projected by the prosecution are from different house site and not of the beneficiaries. These factors brought to the notice of the trial Court but the trial Court failed to consider the same. He further submitted that the trial Court had already suspended the sentence of the petitioners in Crl.M.P.No.119 of 2025 dated 17.04.2025, till 17.05.2025.

4.The learned Government Advocate (Crl. Side) strongly opposed the contention of the learned counsel for petitioners stating that in this case the prosecution obtained sanction. PW1, PW13, PW17 and PW27 are the higher officials of the petitioners/accused. In this case, on the side of the prosecution PW1 to PW32 examined and Exs.P1 to P113 marked. On the side of the defence, no witnesses examined and Ex.D1 marked. The beneficiaries being the local residents have been won over. Hence, PW2 to PW7 not supported the case of the prosecution. PW10 to PW16/official witnesses clearly stated about the violations committed by the petitioners in the procedures and



CRL MP NOS.9193 and 9213 OF 2025
in CRL A Nos.423 and 424 OF 2025

WEB COPY

guidelines, which ought to have been strictly followed while implementing

Kalaignar Veedu Vazhangum Thittam. PW18 and PW24/VAO, who certified after physical verification that houses are not constructed and the stage of construction is not as projected by the petitioners. PW26 is the Photographer, who took photographs of the Kalaignar Veedu Vazhangum Thittam scheme houses and marked Ex.36. Likewise, the beneficiaries were wrongly projected, which was proved by thumb impression of the witnesses. Considering all these facts, the trial Court rightly convicted the petitioners. He further submitted that the trial Court already suspended the sentence of the petitioners till 17.05.2025.

5.Considering the submissions made and the fact that the petitioners have 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 petitioners in Crl.M.P.No.119 of 2025 dated



CRL MP NOS.9193 and 9213 OF 2025
in CRL A Nos.423 and 424 OF 2025

WEB COPY

17.04.2025, till 17.05.2025, 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 petitioners is suspended till the disposal of the appeal and they are ordered to be enlarged on bail, on condition that they shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties, each for a like sum to the satisfaction of the trial Court.

7. Further, the petitioners/A1 to A5 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 they are not able to appear before the Trial Court on that day, they 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 their absence as directed by the Trial Court.



CRL MP NOS.9193 and 9213 OF 2025
in CRL A Nos.423 and 424 OF 2025

WEB COPY

8. Accordingly, this Criminal Miscellaneous Petition is ordered.

29.04.2025

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rsi

Note: Issue order copy on 02.05.2025

To

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



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CRL MP NOS.9193 and 9213 OF 2025
in CRL A Nos.423 and 424 OF 2025

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CRL MP NOS. 9193 and 9213 OF 2025
in
CRL A Nos. 423 and 424 OF 2025

29.04.2025
(2/2)