



CRL MP NO. 9263 OF 2025
in CRL A No. 427 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 NO. 9263 OF 2025

in

CRL A No. 427 of 2025

P.Ambedkar

S/o. Late.K.Perumal, M-1, TNHB
Colony, Kollapatti, Animoor Post,
Thiruchengode Taluk, Namakkal
District.

Petitioner(s)/Accused

Vs

The State Rep.by,
The Inspector of Police
Vigilance and Anti-Corruption,
Namakkal, Namakkal District.
Cr.No.3/AC/2011.

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 415(2) of BNSS, praying to suspend the sentence of imprisonment imposed in the Judgment dated 25.04.2025 made in Spl.C.C.No.21 of 2012 on the file of the learned Special Judge / Chief Judicial Magistrate, Namakkal and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.



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For Petitioner(s): Mr.M.Ganesh
for Mr.N.Manokaran

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

ORDER

The petitioner/Accused in Spl.C.C.No.21 of 2012 was convicted by the trial Court by the judgment dated 25.04.2025 and sentenced to undergo two years and six months simple imprisonment and to pay a fine of Rs.500/-, in default, to undergo two weeks simple imprisonment, for the offence under Section 7 of the Prevention of Corruption Act (hereinafter 'P.C. Act') and sentenced to undergo three years and six months simple imprisonment and to pay a fine of Rs.500/-, in default, to undergo two weeks 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.



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2.The contention of the learned counsel for petitioner is that the petitioner, who is an Assistant Inspector of Labour, Tiruchengode, inspected the work place of PW2, namely, “Kumar Battery Service” and found that he employed one Arunkumar, who was aged below 14 years, which is against the Child Labour Prohibition Act. Hence, taking inspection notes, he left the shop and issued show cause notice to PW2 on 26.11.2010. Thereafter, PW2 took some time and finally he sent a reply with a delay producing the birth certificate of Aunkumar showing that Arunkumar already crossed 14 years of age. Thereafter show cause notice proceedings dropped. On the other hand, PW2 getting offended for the action being taken him, on the advise of his brother lodged a false complaint as though the petitioner demanded a bribe amount of Rs.5,000/- to drop the proceedings. The first demand was on 28.07.2011 at 4.00 p.m., followed by a second demand on the same day at 6.15 p.m. and the third demand was on 29.07.2011. Hence, the complaint was lodged to the respondent on 02.08.2011 and on the same day, trap laid.



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3.In this case, it is projected that telephonic demand was made by the petitioner for which, Ex.P32/call details of PW2 produced which is without 65-B certificate. Hence, demand not proved. Likewise, the case is that the petitioner demanded money for dropping further proceedings pursuant to the show cause notice. PW8/Office Superintendent in her evidence confirms that the proceedings initiated by the petitioner in Na.Ka.No.436/2010 was closed on 26.05.2011. Such being the case, there is no requirement for any demand or illegal gratification to drop the proceedings, which was already closed. In this case, on the date of complaint, immediately trap was laid. The Trap Laying Officer/PW21 not conducted prior verification and genuineness of the complaint. PW3 is the obliging witness. The petitioner probalised his defence, proved his case during cross examination, which was not considered by the trial Court.



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4.He further submitted that in this case trap was conducted by the Deputy Superintendent of Police and the statement was recorded by the Inspector of Police. Since the trap was laid by the Deputy Superintendent of Police, the investigating officer left with no other option had to file charge sheet against the petitioner. Hence, prayed for granting suspension of sentence to the petitioner.

5.The learned Government Advocate submitted that in this case PW2 is the complainant, who is the owner of Kumar Battery Service. He employed one Arunkumar, who was doubted to be of less than 14 years. The petitioner being Assistant Inspector of Labour, inspected the business premises of PW2 on 12.10.2010. PW2 was not there in the shop. Thereafter, he enquired Arunkumar, recorded his statement and projected the case that a child was employed against law and show cause notice issued on 26.11.2010. PW2 issued reply after collecting the school certificate from Arunkumar's father



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and confirmed that Arunkumar crossed 14 years of age. But the petitioner failed to accept the same and made continuous demand for bribe amount to drop the proceedings. Initially, Rs.5,000/- was demanded, later it was reduced to Rs.4,000/-. Since the demand was persistent from 28.07.2011, PW2 lodged a complaint with TLO/PW21. Thereafter enlisting the service of public servants trap was laid and the same proved successfully. The petitioner received the amount, which was spoken by PW2 and accompanying witness. Phenolphthalein test confirms the same. On conclusion of investigation charge sheet filed. During trial, on the side of prosecution, PW1 to PW23 examined and Exs.P1 to P37 marked and M.O.1 to M.O.4 produced. On the side of defence, no witnesses examined and Exs.D1 to D3 marked. On conclusion of trial, the trial Court rightly convicted the petitioner.

6.Considering the submissions made and on perusal of the material, it is seen that subsequent to the show cause notice dated 26.11.2010, action



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against PW2 was dropped on 26.05.2011, which was confirmed by PW8, which is not in dispute. Earlier, the petitioner caused an inspection in the PW2's shop, namely, Kumar Battery Service, where he found one boy Arunkumar, aged below 14 years. Thereafter, show cause notice issued. Later birth certificate produced and action was dropped. In such circumstances, the petitioner demanding money on 28.07.2011 for dropping show cause notice proceedings and continuing demand till 29.07.2011 is beyond confrontation. Further in this case the date of complaint is 02.08.2011. On the same day, without proper background verification trap laid. For the demand, though the prosecution produced Ex.P32/call details of PW2 as proof, the Nodal officer, who was examined as PW22 states that no 65-B certificate produced. In the absence of 65-B certificate, the call detail records loses its significance. Hence, demand is not proved. In this case, the demand is for dropping show cause notice proceedings, which was already dropped. Hence, there is no requirement of any demand. Further PW2 is not even aware about the status



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of the petitioner as to whether he is an Assistant Inspector or a Stamping Inspector. He is not even sure whether the inspection is on weight and measure or for the child employment. Hence, the conviction of the petitioner needs re-consideration. Further, it is a statutory appeal and the appeal is not likely to be taken up in the near future, hence, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

7. 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.

8. 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



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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.

9. Accordingly, this Criminal Miscellaneous Petition is ordered.

29.04.2025
(2/2)

rsi

Note: Issue order copy on 29.04.2025.

To

1. The Inspector of Police,
Vigilance and Anti-Corruption,
Namakkal, Namakkal District.
2. The Special Judge / Chief Judicial Magistrate,
Namakkal.
3. The Superintendent of Prison,
Central Prison,
Salem.

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4.The Public Prosecutor,
High Court, Madras.

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