



Crl.M.P.No.15694 of 2025
in Crl.A.No.1264 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.M.P.No.15694 of 2025

in

Crl.A.No.1264 of 2025

1.N.Sarojini

2.P.Saravanan @ Saravanadhasu

... Petitioners/A1 & A2

Vs.

State represented by

The Inspector of Police,

Vigilance and Anti Corruption,

Coimbatore.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, 2023 to suspend the sentence and enlarge the petitioners on bail in the Special Calendar Case No.25 of 2013 on the file of the Special Judge, Special Court for the trial of Cases under Prevention of Corruption Act, Coimbatore pending disposal of the above Criminal Appeal.

For petitioners : Mr.V.N.Krishnamurthy

For Respondent : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor



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ORDER

The petitioners/A1 & A2 in Spl.C.C.No.25 of 2013 were convicted by the trial Court by the judgment dated 31.07.2025. The 1st petitioner was convicted for the offences under Sections 7, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment, for the offence under Section 7 of the Prevention of Corruption Act and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment, for the offence under Sections 13(2) r/w 13(1)(d) of the Prevention of Corruption Act. The 2nd petitioner was convicted for the offences under Sections 12, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and Section 109 of I.P.C. and sentenced to undergo eight months rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment, for the



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offence under Section 12 of the Prevention of Corruption Act and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment, for the offence under Sections 13(2) r/w 13(1)(d) of the Prevention of Corruption Act r/w Section 109 of I.P.C. Aggrieved against the same, the petitioners had preferred the above appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

2.The case against the petitioners is that the 1st petitioner is the Bill Collector and the 2nd petitioner is her husband. The de-facto complainant constructed an additional portion in front of his house, for which, he presented an application before 1st petitioner/A1 for assessing house tax for the additional construction. The 1st petitioner initially demanded Rs.10,000/- as illegal gratification for assessing house tax for the additional construction. Later it was reduced to Rs.8,000/-. The de-facto complainant not willing to give bribe amount and lodged a complaint against the petitioners.



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3.The contention of the learned counsel for petitioners is that the 1st petitioner had assessed the house tax and sent the file to the Assistant Commissioner on 02.01.2013 itself and the alleged demand was on 07.01.2013. There is no need to collect any bribe when the work itself has been completed. He further submitted that the petitioners have raised substantial grounds in the appeal and the sentence imposed on the petitioners have already been suspended by the trial Court till 29.08.2025.

3.The learned Additional Public Prosecutor submitted that the The de-facto complainant constructed an additional portion in front of his house, for which, he presented an application before 1st petitioner/A1 for assessing house tax for the additional construction. The 1st petitioner initially demanded Rs.10,000/- as illegal gratification for assessing house tax for the additional construction. Thereafter, the 1st petitioner demanded Rs.8,000/- by stating that she would assess the house tax @ Rs.10/- per sq.ft instead of



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Rs.20/- per sq.ft. He further submitted that during trial, on the side of the prosecution, PW1 to PW8 examined, Exs.P1 to P11 marked and M.O.1 to M.O.5 produced. On the side of the defence, none examined and Exs.D1 and D2 marked. The trial Court on the evidence and materials produced, had rightly convicted the petitioner. He fairly submitted that the jail sentence imposed on the petitioners has been suspended by the trial Court till 29.08.2025.

4.Considering the submissions made and on perusal of the materials, it is seen that the 1st petitioner is the Bill Collector and 2nd petitioner is her husband. According to the petitioners, the 1st petitioner completed the assessment of the newly construction portion in front of the de-facto complainant's house on 02.01.2013 and the alleged trap was on 07.01.2013. There is no reason to collect any bribe when the work itself was completed. The completion of work is admitted by the Assistant



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Commissioner. These facts have not been considered by the trial Court.

Further, the trial Court had already suspended the sentence of the petitioners till 29.08.2025. Hence, this Court is inclined to grant the relief of suspension of sentence to the petitioners.

5.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.

6.Further, the petitioners 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.



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7. Accordingly, this Criminal Miscellaneous Petition is ordered.

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To

1. The Special Judge,
Special Court for Trial of Cases under
Prevention of Corruption Act, Coimbatore.
2. The Inspector of Police,
Vigilance and Anti Corruption,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR, J.

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