



Crl.M.P.No.15620 of 2025
in Crl.A.No.1248 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.M.P.No.15620 of 2025

in

Crl.A.No.1248 of 2025

P.Devarajan

... Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Vigilance and Anti Corruption,
Salem.

(Crime No.2/AC/2011)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 350(1) of BNSS, 2023 to suspend the sentence of the Petitioner passed by the learned Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act, Salem by judgment dated 31.07.2025 in Spl.C.C.No.85 of 2014 and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

For petitioner : Mr.L.Mouli

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



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ORDER

The petitioner/Accused in Spl.C.C.No.85 of 2014 was convicted by the trial Court for offences under Sections 7, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo two months simple imprisonment, for the offence under Section 7 of the Prevention of Corruption Act and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.3,000/-, 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. Aggrieved against the same, 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 is employed as Malaria Mazdoor in Salem Corporation and the petitioner/appellant is employed as Field Assistant in that



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Corporation. The de-facto complainant/PW2 and the petitioner had taken loan from their Thrift Society and they stood as surety in alternate to each other. PW2 not discharged the loan, due to which, the petitioner was unable to take any further loan for his urgent requirement. Hence, he called and warned PW2 to discharge the loan for which, the de-facto complainant/PW2 handed over the amount of Rs.1,000/- which has been now projected as though the petitioner had demanded bribe for not taking any adverse action or sending adverse report against PW2. He further submitted that the petitioner has raised substantial grounds in the appeal and the sentence imposed on the petitioner has already been suspended by the trial Court till 29.08.2025.

3.The learned Additional Public Prosecutor submitted that the de-facto complainant is employed as Mazdoor in Salem Corporation and the petitioner/appellant is employed as Field Assistant in that Corporation. The petitioner demanded bribe for not taking any adverse action or sending



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adverse report against PW2. Initially, a sum of Rs.500/- demanded, thereafter it was increased to Rs.1,000/-. He further submitted that during trial, on the side of the prosecution, PW1 to PW20 examined, Exs.P1 to P19 marked and M.O.1 to M.O.6 produced. On the side of the defence, DW1 and DW2 examined and Exs.D1 to D3 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 petitioner 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 petitioner and de-facto complainant were employed in Salem City Municipal Corporation. The petitioner and de-facto complainant had taken loan from their Thrift Society and they stood as surety in alternate to each other. PW2 not discharged the loan, hence, the petitioner warned PW2 to discharge the loan amount. PW3/accompanying witness



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admits that he was not present at the time of demand and handing over the cash. In view above, motive places an important role, which has not been discussed and considered by the trial Court. Further, the trial Court had already suspended the sentence of the petitioner till 29.08.2025. Hence, 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.

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



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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.

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



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M. NIRMAL KUMAR, J.

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