



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 22751 of 2025

IN

CRLA NO. 1829 OF 2025

A. Shanmugasundaram
S/o.V.K.Alagappa Gounder,
W1, TNSTC Officer Quarters,
Coimbatore Road, Pollachi.

Petitioner(s)

Vs

State represented by
Inspector of Police,
Vigilance and Anti-Corruption,
Coimbatore, Crime No.1 of 2014

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of BNSS, 2023 praying to suspend the sentence imposed on the petitioner/appellant for the offences under Sections 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 by the Special Judge, Special Court for Prevention of Corruption Act Cases, Coimbatore, on 31.10.2025 in Spl.C.C.No.2 of 2015 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Appellant(s): Mr.R.D.Ashok Kumar
for Mr.S.N.Ravichandran

For Respondent(s): Mr.S.Udayakumar
Govt. Advocate (Crl.Side)

**ORDER**

WEB COPY This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner/appellant for the offences under Sections 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 by the Special Judge, Special Court for Prevention of Corruption Act Cases, Coimbatore, on 31.10.2025 in Spl.C.C.No.2 of 2015 enlarge the petitioner on bail pending disposal of the above criminal appeal.

2.The petitioner/appellant in Spl.C.C.No.2 of 2015 was convicted by the trial Court by the judgment dated 31.10.2025 for the offences under Sections 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and sentenced to undergo one year rigorous imprisonment for the offence under Section 7 and to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment, and to undergo one year rigorous imprisonment for the offence under Section 13(2) r/w 13(1)(d) and to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment. Aggrieved by the said conviction, the petitioner filed Crl.A.No.1829 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.



3. The contention of the learned counsel for the petitioner is that the petitioner has been falsely implicated in this case. The petitioner is not the disciplinary authority to pass any orders against the de facto complainant PW1. PW4 is a General Manager in the State Transport Corporation, whereas the petitioner is only a Supervisory officer in the Legal Section. The de facto complainant was facing disciplinary proceedings and it has been projected as though the petitioner demanded and received a sum of Rs.5,000/- to help him in the said disciplinary proceedings. It is further alleged that on three different dates, the petitioner made the demand and the second demand was made through mobile phone. However, in this case, the call detail records were not collected. It is also projected that during the trap, the petitioner was called out of his office to a petty shop, where he is said to have demanded and received the trap amount. In this case, the personal staff of the petitioner has not been examined. Neither the petitioner nor any public witness, who was present there was examined, which causes a serious doubt regarding the prosecution case. There was no demand as projected and the petitioner has no authority in the disciplinary proceedings and the trial Court has failed to consider the same. He further submitted that in this case, the trial Court had suspended the sentence of the petitioner. Hence, prayed for granting suspension of sentence to the petitioner.



4. Heard the learned Govt. Advocate (Crl.Side) appearing for the respondents.

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5. Considering the fact that petitioner is aged about 69 years and having age related health ailments and there are arguable points involved in this appeal and it would take some time for the appeal to be taken up for final hearing and also the fact that fine amount paid and the sentence of imprisonment imposed on the petitioner already suspended by the trial Court, this Court is inclined to suspend the sentence imposed on the petitioner.

6. Accordingly, the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the above appeal and the petitioner 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.

7. 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 criminal 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.



8. Accordingly, this Criminal Miscellaneous Petition is ordered.

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To

1. The Inspector of Police,
Vigilance and Anti-Corruption,
Coimbatore, Crime No.1 of 2014.

2. The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR J.

sms

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