



WEB COPY

CRL MP No. 24389 OF 2
IN CRL A NO. 1934 OF 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP NO. 24389 OF 2025

IN

CRL A No. 1934 of 2025

V.Rajasekar
Commercial Tax Officer Retired,
Group-IV, Enforcement, Chennai
Central, i/c Roving Squad-III,
Chennai-06

Petitioner/A1

Vs

The state rep.by
The Inspector of Police,
Vigilance and Anti Corruption City
Special Unit-III, Chennai-35
Crime No.17/AC/2012/CC-II

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, 2023 praying to suspend the sentence passed by the learned Special Judge for the cases under prevention of Corruption Act 1988, Chennai 104 in C.C.No.12 of 2015.

For Petitioner : Mr.M.Govindaraju

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



ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed against the petitioner by the learned Special Judge, Special Court for cases under the Prevention of Corruption act, Chennai by order dated 27.10.2025 in C.C.No.12 of 2015 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2.The petitioner/Accused in C.C.No.12 of 2015 was convicted by the Trial Court by the judgment dated 27.10.2025 for the offences under Sections 9 of Prevention of Corruption Act, 1988 ('PC Act') and Section 474 of I.P.C. and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo three months simple imprisonment, for the offence under Section 9 of PC Act and for the offence under Section 474 of I.P.C., sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo three months simple imprisonment. Aggrieved by the said conviction, the petitioner filed Crl.A.No.1934 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

3.The case of the prosecution is that, petitioner was working as a Commercial Tax Officer, Group IV, Enforcement, Chennai (Central), i/c. Roving



Squad – III, Chennai, during the period from 23.05.2010 to 30.06.2012. While so, a complaint was received from one M/s. Sri Venkateswara Engineers, stating that they are having two Poclain and two JCB and they used to lend the above vehicles on contract basis and the main orders are from the Corporation of Chennai. Finding some irregularity in payment of commercial tax, the Goods Detention notice was issued by A2 and the same was served on the driver of the de-facto complainant on 08.12.2010. It is their further case that petitioner reduced the compounding fee from Rs.4,12,500/- to Rs.2,000/- by order dated 27.06.2012. Thereafter, for this service, illegal gratification of a sum of Rs.40,000/- demanded. On 02.08.2012, at about 14.55 hrs. at St. Isabel's Hospital's canteen in Mylapore, petitioner reiterated his earlier demand and obtained a payment of Rs.40,000/- and he induced A2 to show favour to the de-facto complainant and insisted him to sign in an ante-dated letter, i.e., 27.06.2012 and thereafter consent letter obtained and reduced compounding fee collected. During the investigation, it was found that on 28.07.2012, A2 forged the signature of witness Selvakumar, prepared cash receipts and deliberately allowed the petitioner to handle and possess file even after his retirement. Hence, the case registered against the petitioner/A1 and A2. Thereafter, a trap laid successfully, the petitioner caught red handed and investigation proceeded and at that time forgery of documents also found.



4. The learned counsel for petitioner submitted that the petitioner has been falsely implicated in this case and the forgery not proved in the manner known to law and the trial Court had wrongly convicted the petitioner. The petitioner seized the vehicle from M/s.Venkateswara Engineering owned by the de-facto complainant's son, Selvakumar for alleged evasion. The present complaint is a motivated one. Further there was no evidence to show that compound fee of Rs.2,000/- was not paid by the de-facto complainant's son. He further submitted that this Court already suspended the sentence of the co-accused/A2 by an order dated 24.11.2025 in Crl.M.P.No.22361 of 2025. He further submitted that the trial Court already suspended the sentence of the petitioner till 19.12.2025. Hence, he prayed for granting suspension of sentence to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that petitioner and A2 connived together and demanded illegal gratification from the de-facto complainant who was hiring Poclain and JCB to the Corporation of Chennai. He further submitted that a penalty of Rs.4,12,500/- raised and thereafter both connived and reduced the penalty to Rs.2,000/- after getting confirmation of demand of bribe amount of Rs.40,000/-. He further submitted that the petitioner issued an ante-dated letter and forged the signature of PW5. The Trial Court confirmed that the signature was forged. He further submitted that during trial, on the side of the prosecution, PW1 to PW18



examined and Exs.P1 to P44 marked and material objects M.O.1 to M.O.5 produced. On the side of the defence, no witnesses examined and no documents marked. The Trial Court on the evidence of witnesses and the materials produced had rightly convicted the petitioner. He further submitted that the trial Court already suspended the sentence of the petitioner till 19.12.2025. However, he opposed for granting suspension of sentence to the petitioner.

6.Considering the fact that the petitioner is aged about 72 years and the trial Court already suspended the sentence of the petitioner till 19.12.2025, further this Court already suspended the sentence of the co-accused/A2 and also the fact that there are arguable points involved in this appeal and it would take some time for the appeal to be taken up for final hearing, this Court is inclined to suspend the sentence imposed on the petitioner.

7.Accordingly, the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the above 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 on the first working day at 10.30 a.m., 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.

9. Accordingly, this Criminal Miscellaneous Petition is ordered.

17.12.2025
(2/2)

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Note: Issue order copy on 17.12.2025

To

1. The Special Judge,
Special Court for P.C. Act Cases, Chennai.
2. The Inspector of Police,
Vigilance and Anti Corruption
City Special Unit-III, Chennai-35.
3. The Public Prosecutor
High Court, Madras.



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M. NIRMAL KUMAR, J.

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