



CrI.MP.(MD).No.897 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.01.2025

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CrI.MP.(MD).No.897 of 2025

and

CrI.A(MD)No.75 of 2025

G.Kaliraj

... Petitioner

Vs.

The Inspector of Police,
Vigilance and Anti Corruption,
Thoothukudi Detachment.

... Respondent

PRAYER : Petition filed under Section 430 of BNSS, praying to suspend the sentence and grant bail to the petitioner imposed by the learned Special Judge Cum Chief Judicial Magistrate, Thoothukudi, in Spl.C.C.No.1 of 2014 vide Judgment dated 06.01.2025, pending the disposal of the criminal appeal.

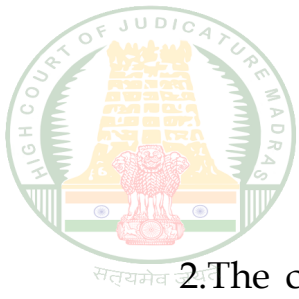
For Petitioner : Mr.R.Anand

For Respondent : Mr.R.Meenakshi Sundaram

Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence and grant bail to the petitioner passed in Spl.C.C.No.1 of 2014, dated 06.01.2025, by the learned Special Judge Cum Chief Judicial Magistrate, Thoothukudi, pending disposal of this Criminal Appeal.



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2.The case of the prosecution is that the petitioner was working as Assistant Inspector of Labour, Tiruchendur in Thoothukudi District, during the year 2013. The defacto complainant namely, M.Muthuramalingam, who is a licensed repairer of weight and measures doing work in the name of "Sree Kalisivam Machanic and Electronic Work" at Tiruchendur, asked the petitioner about the details for getting registration certificate of packaged commodities for Sri Balammal Rice Mill at Neelapuram and Ganesa Modern Rice Mill at Kurumbur. At that time, the petitioner asked the defacto complainant to remit Rs.500/- towards Government fees by challan for each rice mill and further asked him to come with application and letter of the rice mill owners, Schedule VIII Form Copy, E.B bill and the accused gave challans to the defacto complainant and putting his signature and affixing his seal in it. On 20.03.2013, at about 11.00 hours when the defacto complainant met the accused in his office and gave an application and required documents for getting Registration Certificate of packaged commodities and the accused demanded bribe amount from him. The defacto complainant gave a complaint to the respondent Police. On the basis of the complaint given by the defacto complainant, the respondent Police registered a case in CNR No.TNNTT02-000080-2014 for the offence under Sections 7 and 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988.

3.The respondent police, after completing the investigation, has laid a final



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report before the learned Special Judge, Chief Judicial Magistrate, Thoothukudi, and the same was taken on file in Spl.C.C.No.1 of 2024.

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4.During the trial, on the side of the prosecution, 11 witnesses were examined as P.W.1 to P.W.11 and 24 documents were marked as Ex.P.1 to Ex.P.24 and marked M.O.1 and M.O.5. On the side of the accused, no witness was examined and 2 documents were marked as Ex.D.1 to Ex.D.2.

5.The learned District Judge, upon considering the evidences adduced and on hearing the arguments on both the sides, has passed the impugned judgment dated 06.01.2025 convicting the petitioner/accused for the offence under Section 7 of the Prevention of Corruption Act, 1988, and sentenced him to undergo 3 years Simple Imprisonment and to pay a fine of Rs.5,000/- in default to undergo 3 months simple imprisonment and for the offence under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988, and sentenced to undergo 3 years Simple Imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 3 months Simple Imprisonment further directing the sentences to run concurrently. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6.The learned counsel for the petitioner submitted that there are several infirmities in the prosecution case. He further submitted that fine amount already



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paid by the petitioner. The sentence imposed on the petitioner was suspended by the trial Court. Hence, he seeks suspension of sentence.

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7.The learned Additional Public Prosecutor appearing for the respondent Police submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed this petition.

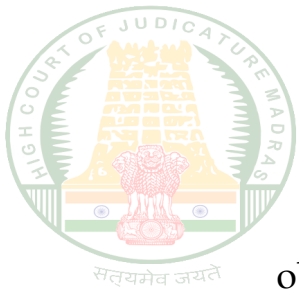
8.This Court considered the rival submission made by the learned counsel appearing on either side and perused the materials available on record.

9.Considering the facts and circumstances of the case and also considering the fact that the sentence imposed on the petitioner was suspended by the trial Court and there are some arguable points involved in the criminal appeal, the petitioner is entitled to the relief of grant of suspension of sentence.

10.Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special Judge cum Chief Judicial Magistrate, Thoothukudi,;

(ii)The sureties shall affix his photographs and Left Thumb Impression in the surety bond and the trial Court may



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obtain a copy of his Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the trial Court once in a month ie., on first working day of every English Calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-
28/01/2025

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/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSG

TO

1 THE SPECIAL JUDGE CUM CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
THOOTHUKUDI DETACHMENT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
Crl.MP.(MD).No.897 of 2025
and Crl.A(MD)No.75 of 2025
Date :28/01/2025

SA/VR/SAR. /27.02.2025/5P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.