



CrI.MP.(MD).No.1247 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CrI.MP.(MD).No.1247 of 2025

and

CrI.A(MD)No.126 of 2025

V.Thangasamy Pandian

... Petitioner

Vs.

The Inspector of Police,
Vigilance and Anti Corruption,
Sivagangai.
(in Crime No.3 of 2011)

... Respondent

PRAYER : Petition filed under Section 430(1) of BNSS, praying to suspend the sentence and grant bail to the petitioner against the judgment dated 21.01.2025 in Spl.C.C.No.74 of 2014 on the file of the learned Special Judge for Trial of Cases under the Prevention of Corruption Act Cases, Sivagangai, pending disposal of the criminal appeal.

For Petitioner : Mr.C.Mahilvahana Rajendran

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.74 of 2014, dated 21.01.2025, by the



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learned Special Judge for Trial of Cases under the Prevention of Corruption Act Cases, Sivagangai, pending disposal of this Criminal Appeal.

2.The case of the prosecution is that the petitioner during 2010 to 2011, while serving as Joint Director of Agriculture, Office of the Joint Director of Agriculture, Sivagangai District, demanded bribe amount of Rs.10,000/- from the defacto complainant, who is working as Assistant, Office of the Deputy Director of Agriculture (Personal Planning Management)/Personal Assistant (Agriculture) to Collector, Sivagangai District, and one Kavitha, who is working as Godown Manager Grade-II, Office of the Assistant Director, Agriculture, S.Pudur, Sivagangai District, to settle the departmental action initiated against them. Hence, the respondent Police registered a case in Crime No.3 of 2011 for the offence under Section 7 of Prevention of Corruption Act, 1988.

3.The respondent police, after completing the investigation, has laid a final report before the learned Special Judge for Trial of Cases under the Prevention of Corruption Act Cases, Sivagangai, for the offences under Sections 7 and 13(2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988, and the same was taken on file in Spl.C.C.No.74 of 2014.



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4. During the trial, on the side of the prosecution, 14 witnesses were examined as P.W.1 to P.W.14 and 34 documents were marked as Ex.P.1 to Ex.P.34 and marked M.O.1 to M.O.6. On the side of the accused, neither witnesses were examined nor documents were marked.

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 21.01.2025 convicting the petitioner/accused for the offence under Section 7 of the PC Act, 1988, and sentenced him to undergo 3 years Rigorous 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 PC Act, 1988, and sentenced to undergo 3 years Rigorous 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



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infirmities in the prosecution case. He further submitted that fine amount already paid by the petitioner. The sentence imposed on the petitioner was suspended by the trial Court. Hence, he seeks suspension of sentence.

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



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sureties, each for a like sum to the satisfaction of the learned Special Judge for Trial of Cases under the Prevention of Corruption Act Cases, Sivagangai,;

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

30/01/2025

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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 FOR TRIAL
OF CASES UNDER THE PREVENTION OF CORRUPTION ACT CASES,
SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SIVAGANGAI.



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

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-1129[I] dated
30/01/2025)

ORDER
IN
CRL MP(MD) No.1247 of 2025
and
CrI.A(MD)No.126 of 2025
Date :30/01/2025

SS/VR/SAR- /07/02/2025/ 6P/5C

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