



Crl.M.P.(MD)No.3619 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.3619 of 2025

in Crl.A.(MD)No.342 of 2025

P.Gopal,
S/o.Pitchaiya,
No.304 B 26/5,
Thiruppathi Nagar 1st Street,
Kovilpatti,
Thoothukudi District.

Petitioner(s)

versus

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Vigilance and Anti-Corruption Wing,
Dindigul District.

Respondent(s)

For Petitioner(s):

Mr.I.Pinaygash
Advocate

For Respondent(s):

Mr.T.Senthil Kumar,
Additional Public Prosecutor

ORDER

The petitioner is the sole accused in Special Case No.26 of 2014 on the file of the
Special Court for Trial of cases under the Prevention of Corruption Act, Dindigul.



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After the trial, the trial Court, by its Judgment dated 28.02.2025, found the petitioner guilty for the offence under Sections 7 and 13(2) r/w. 13(1)(d) of Prevention of Corruption Act and convicted and sentenced him as under:

(i) for the offence under Section 7 of the Prevention of Corruption Act, to undergo 2 years rigorous imprisonment and to pay a fine of Rs.5,000/- with default sentence of three months simple imprisonment.

(ii) for the offence under Section 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act, to undergo 2 years rigorous imprisonment and to pay a fine of Rs.5,000/- with default sentence of three months simple imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.342 of 2025, which was admitted by this Court on 19.03.2025. The petitioner has also moved this petition for suspending the sentence imposed by the trial Court.

2. The case of the prosecution is that on 08.04.2013, the complainant gave five applications at the office of the Assistant Engineer, TNEB Kallimandayam East Section, to get new service connection for his two storied buildings having 4 houses. On 12.04.2023 at 12.00 noon, the petitioner had visited the place and estimated the cost and also demanded Rs.20,000/- as illegal gratification to make arrangements to get new service connection. On 16.04.2013 at 3.00 p.m. and 23.04.2013 at 11.00 a.m.,



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when the complainant again met the petitioner, he demanded Rs.20,000/- and directed him to bring the amount on 25.04.2013. Thereafter, on 25.04.2013 at 1.20 p.m. when the complainant along with the official witness Dr.T.Kannan met the petitioner at his office, he reiterated his earlier demand of Rs.20,000/- and accepted the same from the complainant and kept it in the table under a book.

3. The learned counsel appearing for the petitioner submits that the complainant/P.W.2 was involved in energy theft and also issued a bogus VAO Certificate and tax receipt. Therefore, the petitioner refused to give electricity connection to the complainant. Due to that motive and in order to wreck vengeance, this complaint has been foisted as against the petitioner. According to him, the alleged bribe amount was not demanded and not received by the petitioner and it was kept in the table under a book by the complainant. He further submits that P.W.3, a shadow witness, has also confirmed the same that the respondent Police has directed the petitioner to take the amount and hand it over to the investigation officer. Therefore, the phenolphthalein test was proved.

4. The learned counsel for the petitioner further submits that the alleged demand was on 12.04.2013, 16.04.2013, 23.04.2013. According to him, the appellant was not in the office on those days and he was on inspection along with his higher official/P.W.4 in other place. But, the evidence of P.W.4 was not considered by the



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trial Court. The learned counsel further submits that the details of inspection by P.W.4 along with the petitioner was also obtained under the Right to Information Act.

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5. The learned Additional Public Prosecutor submits that the application for service connection given by P.W.2 was kept pending without taking any decision for a period of ten days and the demand itself was made for processing the said application, which was also proved through P.W.4.

6. This Court considered the rival submissions made and also perused the materials placed on record.

7. The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner and also for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

8. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge for trial of cases under the Prevention of Corruption Act, Dindigul and on further condition that the petitioner shall appear before the said Court once in a month, i.e.



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on the first working day of every English Calender month at 10.30 a.m., till the
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disposal of the appeal.

sd/-
26/03/2025

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26/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE SPECIAL JUDGE, FOR TRIAL OF CASES UNDER THE PREVENTON OF CORRUPTION ACT, DINDIGUL.
 - 2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
 - 3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION WING, DINDIGUL DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- +1 CC to M/s.I.PINAYGASH, Advocate (SR-3455[I] dated 26/03/2025)
+1 CC to M/s.I.PINAYGASH, Advocate (SR-3395[I] dated 25/03/2025)

ORDER
IN
CRL MP(MD) No.3619 of 2025
in
Crl.A.(MD)No.342 of 2025
Date :26/03/2025

NBF/ SAR/ (26/03/2025) 5P/8C

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