

CrI.MP(MD) No.3478 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.MP(MD) No.3478 of 2025

in

CrI.A(MD) No.330 of 2025

P.Chandran

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
Vigilance and Anti-Corruption,
Ramanathapuram.
Cr.No.5 of 2003

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence imposed on the petitioner in SplCC.No.11 of 2007 on the file of the Special Judge cum Chief Judicial Magistrate Court, Ramanathapuram dated 28.02.2025.

For Petitioner : Mr.V.Kathirvelu

Senior Counsel
for Mr.K.Prabhu

For Respondent : Mr.T.Senthil Kumar,

Additional Public Prosecutor

ORDER

The petitioner / sole accused in Spl.CC.No.11 of 2007 was found guilty by the Special Judge / Chief Judicial Magistrate, Ramanathapuram, for the offence under Section 13(2) r/w 13(1) (e) of Prevention of Corruption Act, 1988 and was convicted



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and sentenced to undergo two years rigorous imprisonment with fine of Rs.5,000/-, in default, to undergo three months simple imprisonment. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in Crl.A (MD) No.330 of 2025 along with this application to suspend the sentence imposed on him by the trial court.

2.The learned senior counsel appearing for the petitioner submits the petitioner was working as an Assistant in the Hindu Religious and Charitable Endowments Department. The respondent police has laid a charge sheet as against this petitioner that he was having an income of Rs.16 Lakh, disproportionate to his known sources of income during the check period 01.09.1989 to 28.02.1999.

3.The learned senior counsel by referring to the property in Item No.39 of Assets Statement submits that the said house property has been valued as Rs.Ten Lakh and it is the petitioner's father's property. His father is having a grocery shop. The petitioner is having agricultural lands. He pointed out that PW24 and PW28 in their evidence have stated that the petitioner is having agricultural income and other income. These facts have not been considered by the trial Court. He further submits that the petitioner has paid the fine amount.



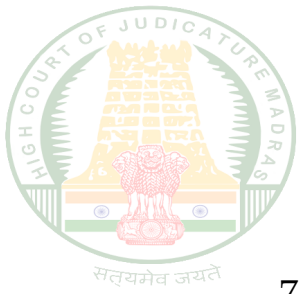
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4.The learned Additional Public Prosecutor appearing for the respondent submits that though it is claimed that the house property stands in the name of his father, the electricity connection stands in petitioner's name. Further the Village Administrative Officer has given a statement that the father of the petitioner is not having sufficient source of income for constructing a building at a cost of Rs.10 lakh. Even if this Rs.10 lakh is excluded, the petitioner is having Rs.6 lakh disproportionate to the known source of income. He further submits that the petitioner has not responded to the final notice issued by the Vigilance and Anticorruption Department. Therefore, the trial Court has rightly convicted the petitioner.

5.This Court considered the rival submissions made and perused the material placed on record.

6.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 for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition.



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7. Accordingly this petition is allowed and 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 cum Chief Judicial Magistrate Court, Ramanathapuram and the petitioner shall report before the Manachanallur Police Station, Trichy district daily at 10.30am

sd/-
21/03/2025

/ TRUE COPY /

24/03/2025

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

DSK

TO

- 1 THE SPECIAL JUDGE CUM
CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
- 2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
RAMANATHAPURAM
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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COPY TO:

THE INSPECTOR OF POLICE,
MANACHANALLUR POLICE STATION,
TRICHY DISTRICT

+1 CC to M/s.K.PRABHU, Advocate (SR-3267[I] dated 21/03/2025)

ORDER
IN
CRL MP(MD) No.3478 of 2025
in
CrI.A(MD) No.330 of 2025
Date :21/03/2025

SS/SAR- /24/03/2025/ 5P/6C

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