



CRL MP(MD) NO. 4267 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07-04-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 4267 of 2025
in CRL A(MD)NO.401 of 2025

M.Raja

Petitioner(s)

Vs

The State of Tamil Nadu
Rep by The Inspector of Police,
Vigilance & Anti Corruption,
Sivagangai District.

Respondent(s)

For Petitioner(s):

V.Vijayakumar

For Respondent(s):

T.Senthil Kumar
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition is filed by the petitioner /accused to suspend the sentence imposed as against him by the learned Judge, Special Court for Trial of Cases under the Prevention of Corruption Act, Sivagangai, in Spl.C.C. No.1 of 2016, dated 28.02.2025.



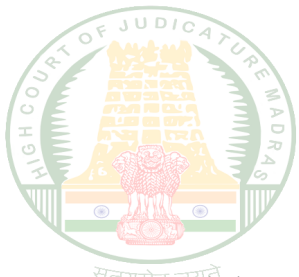
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2.The petitioner was charged and tried for the offence under the Prevention of Corruption Act. The Special Court has found the petitioner / accused guilty for the offences charged, convicted and sentenced him as follows:-

- to undergo rigorous imprisonment for three years and a fine of Rs.5,000/-, in default, to undergo simple imprisonment for three months, for the offence u/s.7 of the Prevention of Corruption Act;
- to undergo rigorous imprisonment for three years and a fine of Rs.5,000/-, in default, to undergo simple imprisonment for three months, for the offence u/s.13(2) r/w 13(1)(d) of the Prevention of Corruption Act.

3.Learned counsel for the petitioner/appellant submitted that the alleged demand is for recommending the name transfer in the patta. But, the petitioner has completed the process even before the trap. Therefore, the demand has not been proved. In fact, the application for patta name transfer was implanted by the investigation agency by calling upon the Revenue Inspector to produce the papers and that was placed in the petitioner's table and the case has been foisted. He further submitted that the money was not received by the petitioner and it was recovered only from the table. This was also confirmed by the shadow witness. After the expiry of the suspension period



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granted by the trial Court, the petitioner has surrendered and he is in jail from 01.04.2025. The petitioner is having a fair chance of succeeding in the appeal and therefore, he prayed to suspend the sentence pending the criminal appeal.

4.The learned Additional Public Prosecutor appearing for the State submitted that the Special Court has considered the evidence and the documents produced by the prosecution and rightly found the petitioner guilty and convicted. Therefore, he has raised his objection to suspend the sentence imposed on the petitioner, pending this appeal.

5.This Court considered the submissions made by the learned Counsel on either side and perused the materials placed on record.

6.The petitioner has made out certain arguable points, which needs to be considered at the time of final disposal of the appeal. However, the appeal could not be taken up for final hearing in the near future. Therefore, this Court is inclined to suspend the sentence imposed on the petitioner.

7.Accordingly, this miscellaneous petition is allowed and the substantive sentence of



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imprisonment alone is suspended pending disposal of the criminal appeal. 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 Judge, Special Court for Trial of Cases under the Prevention of Corruption Act, Sivagangai and on further condition that the petitioner shall appear before the respondent Police daily at 10.30 a.m., till the disposal of the appeal.

sd/-
07/04/2025

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07/04/2025

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

GK

TO

- 1 THE JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER THE
PREVENTION OF CORRUPTION ACT, SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SIVAGANGAI DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.



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

ORDER
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IN
CRL A(MD) No.401 of 2025
Date :07/04/2025

SS/SAR- /07/04/2025/ 5P/5C

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