



CrI.MP(MD) No.4546 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.MP(MD) No.4546 of 2025

in

CrI.A(MD) No.421 of 2025

C.Thenmozhi

... Petitioner

Vs.

State represented by
The Inspector of Police,
Vigilance and Anti Corruption Unit,
Thanjavur,
Thanjavur District.
[Crime No.5 of 2022]

... Respondent

Prayer: Petition filed under Section 430(2) of BNSS to suspend the sentence imposed upon him in Special Case No.2 of 2023 on the file of the Special Judge / Chief Judicial Magistrate, Thanjavur at Kumbakonam, Thanjavur District by judgment dated 03.03.2025 pending disposal of the main criminal appeal.

For Petitioner : Mr.C.Suresh Kannan

For Respondent : Mr.A.S.Abul Kalam Asad,
Government Advocate (CrI Side)

ORDER

The petitioner / sole accused in Spl.SC.No.2 of 2023 was found guilty by the Special Court / Chief Judicial Magistrate Court, Thanjavur at Kumbakonam and sentenced to undergo 3 years rigorous imprisonment with fine of Rs.6,000/-, in



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default, to undergo 3 months simple imprisonment for the offence under Section 7(a) of the Prevention of Corruption Act. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in Crl.A(MD) No.421 of 2025 along with this petition to suspend the sentence imposed on her by the trial court.

2.The complaint against the petitioner is that she had demanded and received a sum of Rs.1,500/- for transferring the electricity service connection in the defacto complainant's name.

3.The learned Counsel for the petitioner submits that the petitioner is not the authority for effecting name transfer of electricity service connection and she is only an Assessor in the office of the Assistant Electrical Engineer. The alleged money has not been recovered from the petitioner, but it was recovered only from the currency counting machine. Apart from that, sanction (ExP1) was accorded without application of mind without examining the materials. There is a delay of 11 days in filing the complaint. Further the witness PW2 had aversion against the petitioner. The trial Court has failed to consider all these aspects.

4.The learned Government Advocate (Crl Side) appearing for the respondent submits that it is a case of trap and the prosecution has proved its case through the witnesses and the exhibits.



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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.

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 / Chief Judicial Magistrate, Thanjavur @ Kumbakonam. The petitioner shall report before the respondent police daily at 10.30 am.

sd/-

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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.

DSK



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- TO
- 1 THE SPECIAL JUDGE/
CHIEF JUDICIAL MAGISTRATE, KUMBAKONAM.
 - 2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION UNIT,
THANJAVUR,
THANJAVUR DISTRICT.
 - 3 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, TRICHY.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-3908[I] dated 04/04/2025)

ORDER
IN
CRL MP(MD) No.4546 of 2025
in
CrI.A(MD) No.421 of 2025
Date :04/04/2025

SS/SAR- /07/04/2025/ 4P/6C

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