



Crl.MP(MD) No.4955 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.4955 of 2025

in

Crl.A(MD) No.446 of 2025

C.Suyambulingam

... Petitioner

Vs.

State of Tamil Nadu
represented by
its Inspector of Police,
Vigilance and Anti Corruption Department,
Nagercoil,
Kanyakumari District.
[Crime No.15 of 2012]

... Respondent

Prayer: Petition filed under Section 430 of BNSS to suspend the sentence imposed on the petitioner by the Special Judge / Chief Judicial Magistrate, Nagercoil, Kanyakumari District in Special Case No.1 of 2014 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.K.Sridhar,
for Mr.K.Sathiya Singh

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor



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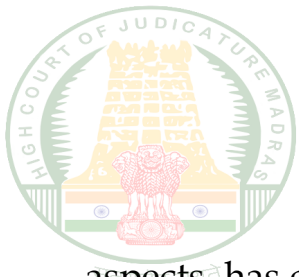
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ORDER

The petitioner / sole accused in Spl.SC.No.1 of 2014 was found guilty by the Special Court / Chief Judicial Magistrate Court, Nagercoil, Kanyakumari District and sentenced to undergo 3 years rigorous imprisonment with fine of Rs.5,000/-, in default, to undergo 6 months simple imprisonment for the offence under Section 7 of the Prevention of Corruption Act and sentenced to undergo 3 years rigorous imprisonment with fine of Rs.5,000/-, in default, to undergo 6 months simple imprisonment for the offence under Section 13(2) r/w 13(d) 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.446 of 2025 along with this petition to suspend the sentence imposed on him by the trial court.

2.The complaint against the petitioner is that he being a Sub Registrar had demanded and received a sum of Rs.2000/- from the defacto complainant for registering the document.

3.The learned Counsel for the petitioner submits that the demand and acceptance of bribe is not proved in this case. The defacto complainant is a document writer, he is having a motive against the petitioner and therefore, he has foisted this false complaint against this petitioner. All the witnesses are official witnesses and there is no independent witness. The trial Court without considering all these



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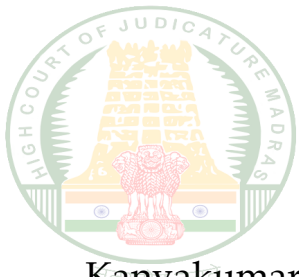
aspects, has convicted this petitioner. The petitioner has surrendered before the Court on expiry of the suspension period of sentence and now he is confined at Central Prison, Palayamkottai. He has also filed the copy of surrender receipt.

4.The learned Additional Public Prosecutor appearing for the respondent submits that it is a case of trap and the prosecution has proved its case through PW2 complainant and PW3 shadow witness. That apart the phenolphthalein test proved positive. Therefore, the trial Court 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.

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) with two sureties each for a like sum to the satisfaction of the learned Special Judge / Chief Judicial Magistrate, Nagercoil,



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Kanyakumari District. The petitioner shall report before Othakadai Police Station,
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Madurai daily at 10.30 am.

sd/-
29/04/2025

/ TRUE COPY /

/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK
TO

1 THE SPECIAL JUDGE / CHIEF JUDICIAL MAGISTRATE,
NAGERCOIL,
KANYAKUMARI DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION DEPARTMENT,
NAGERCOIL,
KANYAKUMARI DISTRICT.

4 THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
MADURAI.

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

+1. C.C. to Mr.K. SATHIYA SINGH Advocate SR.No.28824 (F) DT.29/04/2025



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ORDER
IN
CrI.MP(MD) No.4955 of 2025
in
CrI.A(MD) No.446 of 2025
Date :29/04/2025

SA/SAR. /30.04.2025/5P/7C

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