



Crl.M.P.(MD)No.5059 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.5059 of 2025

in Crl.A.(MD)No.449 of 2025

L.Natarajan
S/o.Lakshmanan,
Door No.321, Perambur,
Killanur,
Pudhukottai District.

Petitioner(s)

versus

The State of Tamil Nadu Rep. By
The Deputy Superintendent of Police,
Vigilance and Anti Corruption Department,
Pudhukottai District.

Respondent(s)

For Petitioner(s):

Mr.R.Balakrishnan
Advocate



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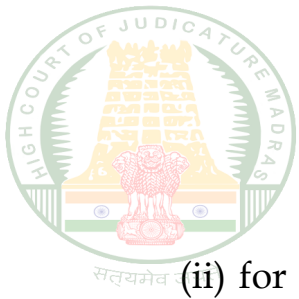
For Respondent(s):

Mr.P.Kottaichamy,
Government Advocate

ORDER

The petitioner is the 3rd accused in Spl.C.C.No.2 of 1997 on the file of the learned Chief Judicial Magistrate, Pudukkottai. He was tried along with two others for the offence under Sections 120(b), 167, 409, 420, 467, 468, 471, 477(A) IPC and Section 5(2) r/w 5(1)(c) & (d) of Prevention of Corruption Act, 1947. The case was registered in the year 1989, the final report appears to have been filed in the year 1997 and the trial was concluded only in the year 2025. The 1st accused in this case was the Assistant Executive Engineer and the 2nd accused was the Assistant Engineer of Public Works Department and both of them died pending trial and the charges as against those accused were abated. In conclusion of trial, the trial Court, by its Judgment dated 14.03.2025, found the petitioner guilty for the offence under Sections 120(b), 167, 468, 477(A) IPC and Section 5(2) r/w 5(1)(c) & (d) of Prevention of Corruption Act, 1947 and convicted and sentenced him as under:

(i) for the offence under Section 120(b) IPC, to undergo six months simple imprisonment;



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(ii) for the offence under Section 167 IPC, to undergo one year imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment;

(iii) for the offence under Section 468 IPC, to undergo one year imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment;

(iv) for the offence under Section 477A IPC, to undergo one year imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment;

(v) for the offence under Section 5(2) of Prevention of Corruption Act, 1947, to undergo two years imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo one month simple imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal in Crl.A.(MD)No.449 of 2025 and the same is admitted today. The petitioner has also moved this petition to suspend the sentence imposed by the trial Court.

2. The case of the prosecution is that the 1st accused worked as an Assistant Executive Engineer in the Public Works Department and 2nd accused worked as Assistant Engineer, Kulathur Sub Division at Keeranur and 3rd accused worked as



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Work Inspector, Kulathur Sub Division, Pudukkottai District. The Government of India announced a scheme on 21.01.1984, namely, Rural Landless Employment Guarantee Program. The said scheme is to provide employment opportunity to the landless people of rural areas. The said scheme is also implemented by the Government Order dated 28.02.1984. The aim of the scheme is to provide employment for eligible persons for 100 days in a year. On 16.05.1984 the Government of Tamilnadu passed an order for doing renovation work for a water body at Aranikulam situated in Mootampatti Village, Pudukkottai District. The Superintending Engineer of P.W.D, Trichy, has sanctioned the work for Rs.4,44,000/- on 12.06.1984. On source information, the Vigilance and Anti-Corruption Department has conducted a preliminary enquiry and found that the allotted amount has not been distributed properly to the workers and the quality of the construction was also poor. Therefore, a detailed enquiry was conducted and a case was registered in the year 1989 in Crime No.8 of 1989. The said case was registered only after conducting the preliminary enquiry. However, a final report was filed in the year 1997, before the Chief Judicial Magistrate Court, Pudukkottai. The case, which was taken on file in Spl.C.C.No.2 of 1997 has reached its finality only in the year 2025. There is an inordinate delay of eight years in filing the final report and a further whopping delay of twenty eight years in concluding the trial.



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3. The learned counsel for the petitioner submitted that the petitioner, who is the 3rd accused, was working as Work Inspector at the relevant point of time. The accused 1 and 2 are the persons in-charge in execution of the work and the petitioner/A3 is not having any role in sanctioning and execution of the work. However, the petitioner was prosecuted for the abovesaid offences. Since the petitioner is aged about 82 years and he is in jail from the date of conviction, i.e. from 14.03.2025, the learned counsel seeks for suspending the sentence.

4. The learned Additional Public Prosecutor submitted that the petitioner/A3 along with A1 and A2 had entered into a criminal conspiracy, created forged documents and by using those documents as genuine, cheated the Government. They had also created bogus vouchers containing signatures and finger impressions purporting to be of persons, who are found to be non-existent and of persons who had not actually been engaged in the work and others who had not received any wages or less wages. According to the learned Additional Public Prosecutor, the petitioner/A3 had affixed his own finger impressions against the names of 50 persons.

5. The learned Additional Public Prosecutor further submitted that the prosecution has examined 178 witnesses and collected 46 documents. The finger print impression of the petitioner/A3 was also verified from the Special Finger



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Bureau, Vigilance and Anti-Corruption, Chennai. During the trial, 128 witnesses
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have been examined as P.W.1 to P.W.128 and 69 exhibits have been marked.

Therefore, according to the learned Additional Public Prosecutor, there are enough materials as against the petitioner/A3. In the event, if the sentence imposed on the petitioner is suspended, then, he may not prosecute the appeal and he would further delay the process of appeal for a further period of five years. Therefore, the learned Additional Public Prosecutor opposed to grant suspension of sentence.

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

7. The petitioner was prosecuted along with A1 and A2 in the year 1989 by registering a case on 28.09.1989 in Crime No.8 of 1989. At that time, the petitioner/A3 was working as Work Inspector in Kulathur Sub Division, Pudukkottai District. The Public Works Department had executed a renovation work in a water body at Aranikulam situated in Mootampatti Village, Pudukkottai District, at a cost of Rs.4,44,000/- in the year 1984. The work was executed under the Rural Landless Employment Guarantee Programme with an object of providing employment opportunity to the landless people of rural areas. The allegation as against the petitioner and other accused is that by creating forged documents and vouchers, the amount meant for landless people was swindled by the accused. In



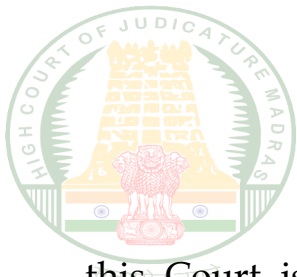
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the course of investigation, the prosecution has found that the petitioner/A3, by affixing his own finger impressions against the names of 50 persons, has created forged documents and also committed criminal breach of trust and misappropriation of amount along with other accused. The signatures and the finger prints found in the Nominal Muster Roll were compared with the finger prints of the petitioner/A3 by the Special Finger Print Bureau, Vigilance and Anti-Corruption Department, Chennai and the same was also marked before the Court.

8. The case of the year 1989 was taken on file in Spl.C.C.No.2 of 1997 and the trial went on for 38 years and reached its logical end in the year 2025. The Directorate of Vigilance and Anti-Corruption, Chennai, in his report dated 24.04.2025, stated that the trial was conducted by the Chief Judicial Magistrate, Pudukkottai, once in a week, from 18.08.1999 to 20.09.2014. 128 witnesses were examined as P.W.1 to P.W.128 and 68 documents were marked on the side of the prosecution. The petitioner/A3 has also filed an application under Section 311 Cr.P.C. to re-call and cross examine the witnesses, namely, P.W.123, P.W.126 and P.W.127 and delayed the process to some extent.

9. Considering the nature of offence and on the objection raised by the learned Additional Public Prosecutor that in the event, if the petitioner is released on bail by suspending the sentence, he may not show any interest in prosecuting the appeal,



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this Court is not inclined to entertain this petition. Accordingly, this Criminal
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Miscellaneous Petition is dismissed.

10. Taking note of the fact that the case which was registered in the year 1989 and taken on file by the trial Court in the year 1997, reached its finality only in the year 2025, this Court directs the Registry to list the appeal in the month of July 2025.

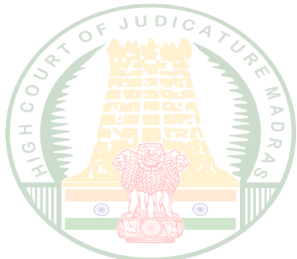
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/06/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1. THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI.
2. THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION DEPARTMENT,
PUDHUKOTTAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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COPY TO:

**THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.**

ORDER

IN

**CRL MP(MD) No.5059 of 2025
in Crl.A.(MD)No.449 of 2025**

Date :30/04/2025

HPS/02.06.2025 /9P/5C

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