



Crl.MP(MD) No.5314 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED :22.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.5314 of 2025

in

Crl.A(MD) No.478 of 2025

Murugesan

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
Vigilance and Anti-Corruption,
Sivagangai District.
Crime No.3/2014

... Respondent

For Petitioner : Mr.R.Mohideen Basha

For Respondent : Mr.P.Kottaichamy

Government Advocate (Crl.side)

ORDER

The petitioner/accused in Spl.CC No.3 of 2016 was tried by the Special Court for trial of cases under Prevention of Corruption Act, Sivagangai and in conclusion of the trial, he was found guilty and was sentenced as under:-



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Sl.No	Sections	Punishment	Fine amount	Default
1	Under Section 7 of Prevention of Corruption Act, 1988	4 years Rigorous imprisonment	Rs.5,000/-	3 months simple imprisonment
2	13(2) r/w 13 (1)(d) of Prevention of Corruption Act, 1988	4 years Rigorous imprisonment	Rs.5,000/-	3 months simple imprisonment

As against the conviction and sentence imposed by the learned Judge, Special Court for trial of cases under Prevention of Corruption Act, Sivagangai in Spl.CC No.3 of 2016, dated 08.04.2025, the petitioner has filed an appeal before this Court in Criminal Appeal No. 478 of 2025 and the same is admitted by this Court today. The petitioner has also moved this application to suspend the sentence imposed on him as stated supra.

2.Since the learned Special Judge has not suspended the sentence imposed on the petitioner, he is now undergoing the sentence from the date of conviction on 08.04.2025. The petitioner, a Village Administrative Officer at Varappur said to have demanded a sum of Rs.1,500/-, for issuing a Legal Heir Certificate and therefore, the defacto complainant, who applied for a Legal Heir Certificate has lodged a complaint before the respondent police. Accordingly, a trap was arranged and this petitioner was caught red-handed.



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3.The learned counsel for the petitioner submits that, the demand was said to have been made on 08.07.2014. In fact, on that day, the petitioner was attending "G" Return Meeting at Tiruppathur Taluk Office and the same was proved by the accused through the document Exhibit D.3(Signature of PW5/ the Revenue Inspector of Varappur Firka found in the attendance sheet, relating to Statistics Department meeting) and the evidence of PWs 5,8,9 and 10. However, without considering the same, the Special Court has erroneously convicted this petitioner. Therefore, according to the learned counsel, in the absence of demand, it is not proper on the part of the Special Court to convict this petitioner.

3.1.The learned counsel also submits the petition seeking Legal Heir Certificate(Ex.P.2) was not at all presented on 06.06.2014 in Jamabhanthi as alleged by the prosecution. This point has also been established from the evidence of PWs 2,5 and 8. He also submits that the alleged demand on 08.07.2014 was made in the office of the Village Administrative office, wherein the Village Assistant was also present, however, he has not been cited as a witness by the prosecution.

4.The learned Government Advocate appearing for the respondent submits that PW 2 has submitted an application in the Jamabhanthi, seeking a Legal Heir Certificate, for which, this petitioner has demanded a sum of Rs.1,700/- and subsequently, it was finalised to Rs.1,500/-. PW 2, who did not want to give money



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illegally, has launched a written complaint. Therefore, a trap was arranged and the petitioner has received the amount from PW2, in the presence of the official witnesses, PWs 3, 6 & 7. Therefore, the Special Court, based on the evidence and the materials placed, has rightly convicted this petitioner that this offence is against the Society and therefore, he cannot be considered for suspension sentence.

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

6.The petitioner is the Village Administrative Officer. As per the prosecution case, he has demanded a sum of Rs.1500/- from PW2, who has submitted a petition in Jamabhanthi, seeking a Legal Heir Certificate. As per the prosecution, the demand was made on 08.07.2014 in the office of the Village Administrative Office, in the presence of the Village Assistant. However, the petitioner has produced some documents (Ex.D2), before the trial Court that he was attending a Meeting at Tiruppathur on that day. It is also claimed that his presence in the meeting has also been proved by the evidence of PWs 5, 8, 9 and 10. Another contention raised by the petitioner's counsel is that the Village Assistant, who was said to be available in the office of the Village Administrative Officer on 08.07.2014 was not cited as a witness and not examined. The Vigilance and Anti-Corruption Department has been established to prevent the menace of corruption. The Department is registering



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approximately 100 cases a year and most of the cases have been registered as against the Village Administrative Officers alone. 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.

7. Considering the points raised by the petitioner and for the reasons that the appeal could not be taken up immediately, this Court is inclined to allow this petition this Court is inclined to suspend the sentence imposed on the petitioner.

8. Accordingly, 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 the following conditions:-

- i. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the Special Court for trial of cases under Prevention of Corruption Act, Sivagangai.
- ii. The petitioner shall report before the Special Court for trial of cases under Prevention of Corruption Act, Sivagangai daily at 10.30 a.m., till the disposal of the appeal.



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iii. On violation of any of the above conditions by the petitioner, the

respondent police shall move an application for cancellation of the bail.

sd/-

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23 /04/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

TO

1. THE SPECIAL COURT FOR TRIAL OF CASES UNDER PREVENTION OF CORRUPTION ACT, SIVAGANGAI.
2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
3. THE INSPECTOR OF POLICE, VIGILANCE AND ANTI CORRUPTION, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to N. MOHIDEEN BASHA Advocate SR.No.4565 (I) DT.22/04/2025

ORDER IN
CRL MP(MD) No.5314 of 2025
Date :22/04/2025

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