



Crl.M.P(MD) No.6324 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Third day of June Two Thousand and Twenty Five

PRESENT

The HONOURABLE MS. JUSTICE R.N.MANJULA

Crl.M.P(MD) No.6324 of 2025

in

Crl.A.(MD) No.547 of 2025

1 R.SELVARAJ
S/O.RAMASAMY,
SANITARY INSPECTOR,
THANTHONI DIVISION VIII,
KARUR MUNICIPALITY, KARUR DISTRICT.
RESI NO.3/138, MAHALAKSHMI NAGAR,
N.G.O COLONY, DINDIGUL.

... PETITIONER(S)

Vs

1 THE STATE OF TAMIL NADU
REP BY THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION, TRICHY.
CRIME NO.9/2014.

... RESPONDENT(S)

For Petitioner: M/s.Kanagarajan.S, Advocate
For Respondent: Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER

The Criminal Miscellaneous Petition is filed to suspend the sentence imposed

by the learned Special Judge (Vigilance and Anti Corruption)/Chief Judicial
<https://www.mhc.tn.gov.in/judis>



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Magistrate, Karur, dated 17.04.2025, made in Spl.C.C.No.1 of 2016 till the disposal of
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appeal.

2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 and sentenced him to undergo 2 years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo 3 months simple imprisonment for the offence u/s.7 of the Act and sentenced him to undergo 2 years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo 3 months simple imprisonment for the offence u/s.13(2) r/w 13(1)(d) of the Act. The sentences were ordered to run concurrently. Set off under Section 428 Cr.P.C. is also ordered.

3.The accused has been charged for the offence under Section 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. It was a trap case, in which, it is alleged that the accused has obtained Rs.3,000/- as gratification other than the legal remuneration from the complainant/PW2 to do his official duty.

4.The learned counsel for the appellant submitted that though it is agreed that Rs.3,000/- has been recovered from the accused during the trap proceedings, the money paid by P.W.2 is only towards legal dues/service tax payable by him and it is not an illegal gratification as claimed by the prosecution.



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5. On a perusal of Judgment, it is seen that the learned trial Judge has observed that the amount/service tax payable by PW2 is only Rs.2,700/- and not Rs.3,000/-.

It appears that there was a tax demand to the tune of Rs.2,700/- to be payable by PW2. There is a little difference of Rs.300/- and the learned counsel for the appellant submitted that it can also be countable towards legal dues, but the learned trial Judge has omitted to appreciate the above important fact and has presumed that Rs.3,000/- recovered from the accused is only illegal gratification given to the accused.

6. Having regard to the fact that there are arguable points involved in the appeal and also considering the fact the petitioner are already enlarged on bail by the trial Court, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal on the following conditions:

- that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Special Judge (Vigilance and Anti Corruption)/ Chief Judicial Magistrate, Karur;
- that the petitioner shall appear before the said Court once in a week at 10.30 a.m. till the disposal of appeal.



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7. Accordingly, this Criminal Miscellaneous Petition is allowed.

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sd/-
03/06/2025

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/06/2025

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

PNM
TO

1 THE SPECIAL JUDGE (VIGILANCE AND ANTI-CORRUPTION)/
CHIEF JUDICIAL MAGISTRATE, KARUR.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION, TRICHY.

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

+1 CC to M/s.S.KANAGARAJAN, Advocate (SR-5902[I] dated 04/06/2025)

ORDER

IN

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in

Crl.A.(MD) No.547 of 2025

Date :03/06/2025

NBF/06.06.2025 4P/5C

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