



CRL MP(MD) NO. 6454 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09-05-2025

CORAM

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL MP(MD) NO. 6454 of 2025

IN

CRL A(MD) NO. 566 OF 2025

V.Radhakrishnan

S/o. Vanamamalai, Assistant Engineer, Department of
Agricultural Engineering, Theni Utkottam, Theni District.

Petitioner(s)

Vs

The State of Tamilnadu

Rep. by The Deputy Superintendent of Police, Vigilance and
Anti Corruption Wing, Theni District. Crime No. 03/2015.

Respondent(s)

For Petitioner(s):

Mr.K.Mu.Muthu

For Respondent(s):

Mr.S.S.Manoj

Government Advocate (Crl.side)

ORDER

This petition has been filed under Section 430(1) of BNSS, 2023, praying to suspend the sentence imposed in Spl.C.No.3 of 2017, dated 08.04.2025, passed by the learned Special Judge/Chief Judicial Magistrate, Theni, Theni District and to grant bail to the petitioner, pending disposal of the Criminal Appeal.

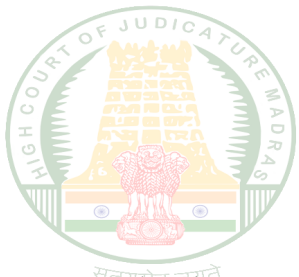


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2.The case of the prosecution is that on 04.03.2015, the defacto complainant approached the petitioner/accused and requested him to release the Government subsidy amounts for the equipment sold to farmers, on which the accused has demanded a sum of Rs.25,000/- initially as bribe for arranging to release the Government subsidy amount of Rs.2,24,500/- to 6 farmers for agricultural equipment already supplied. Hence, the complaint.

3.The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed a judgment on 08.04.2025, convicting the petitioner for the offences under Section 7 and 13(2) r/w 13 (1)(d) of Prevention of Corruption Act, 1988 and sentenced him to undergo simple imprisonment for a period of two years for the offences under Section 7 of Prevention of Corruption Act, 1988 and to pay a sum of Rs.1,000/- towards fine, in default, to undergo simple imprisonment for a period of three months and to undergo simple imprisonment for a period of two years for the offence under Sections 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988 and to pay a sum of Rs.1,000/- towards fine, in default, to undergo simple imprisonment for a period of three months.



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4.The learned counsel for the petitioner would submit that after the judgment was rendered, the petitioner has filed an application before the trial Court to suspend the sentence and the same was allowed by the trial Court, due to which the sentence to the petitioner is suspended till 07.05.2025. He would further submit that the trial Court issued warrant as against the petitioner on 08.05.2025.

5.The learned Government Advocate (Crl.side) would fairly concede that the trial Court suspended the sentence of the petitioner till 07.05.2025 and had issued warrant as against the petitioner on 08.05.2025.

6.This Court has carefully considered the rival contentions putforth by either side and also perused the materials available on record.

7.Considering the fact that the trial Court has already suspended the sentence of the petitioner till 07.05.2025 and also considering the facts and circumstances of the case, this Court is of the *prima facie* view that the sentence is to be suspended pending this Criminal Appeal.

8.Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Special Judge/Chief Judicial Magistrate, Theni, Theni District in Spl.C.No.3 of 2017, dated 08.04.2025 is suspended subject to the following conditions:-

- i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten



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Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge/Chief Judicial Magistrate, Theni, Theni District.

ii) The petitioner shall appear and sign before the learned Special Judge/Chief Judicial Magistrate, Theni, Theni District, on the first working day of every English calender month at 10.30 a.m., until further orders.

iii) In case, the petitioner is unable to appear before the Court on the first working day of a month, he shall appear on the next working day.

iv) The petitioner shall furnish his residential address and mobile number to the learned Special Judge/Chief Judicial Magistrate, Theni, Theni District.

v) The petitioner should not enter into the victim's residence or his work place.

vi) The respondent Police is directed to surrender the warrant dated 08.05.2025 to the trial Court.

sd/-
09/05/2025

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/05/2025
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 SPECIAL JUDGE/
CHIEF JUDICIAL MAGISTRATE, THENI.
 - 2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
THENI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.6454 of 2025
IN
CRL A(MD) NO. 566 OF 2025
Date :09/05/2025

SS/SAR- /13/05/2025/ 5P/4C

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