



CRL MP(MD) No. 6662 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2025

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THE HONOURABLE DR JUSTICE R.N.MANJULA

CRL MP(MD) No. 6662 of 2025

in

CRL A(MD) No. 600 of 2025

S.Thirupathi

...Petitioner

Vs

The State rep. by the
Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Thoothukudi Detachment,
Thoothukudi District.
Crime No.4 of 2010

...Respondents

PRAYER : This Criminal Miscellaneous Petition is filed under Section 430 (1) of BNSS, 2023, to suspend the sentence and enlarge the petitioner on bail imposed on the appellant by the judgment dated 12.05.2025 made in Spl.C.C.No.3 of 2011 on the file of Chief Judicial Magistrate Court, Thoothukudi.

For Petitioner:

Mr.V.Kathirvelu
Senior Counsel
for Mr.E.Mareeskumar

For Respondent:

Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

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The Criminal Miscellaneous Petition is filed to suspend the sentence of imprisonment imposed on the petitioner by the learned Chief Judicial Magistrate, Thoothukudi, in Spl.C.C.No.3 of 2011 dated 12.05.2025 and to enlarge him on bail pending disposal of above appeal.

2.The petitioner is the sole accused, who has been charged for the offences under Sections 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. After conclusion of trial, he was found guilty for the offences punishable under Sections 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and he was convicted and sentenced to undergo the following punishment:-

Section	Punishment	Fine (Rs.)	Default class
7 of Prevention of Corruption Act	4 years rigorous imprisonment	10,000	3 months simple imprisonment
13(2) r/w 13(1)(d) of Prevention of Corruption Act	4 years rigorous imprisonment	10,000	3 months simple imprisonment

As against the said conviction, the petitioner filed an appeal along with this petition to suspend the sentence.

3.As per the case of the prosecution, the accused was working as a Junior



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Engineer (Distribution), TNEB at Vallanadu, Thoothukudi District, during the occurrence period and he was a public servant within the meaning of Section 2 (c) of the Prevention of Corruption Act. The defacto complainant is the resident of Chekkarakudi at Thoothukudi District and he made arrangements to start a High Steam Wash and Dry Cleaning Industry at Keela Vallanadu Village and he was in need of electricity connection. Hence, he gave an application for a new electricity connection along with relevant documents on 30.04.2010 in TNEB at Vallanadu. The accused received the said application and made the necessary entries in the demand register. However, on 05.05.2010 at about 10.00 a.m., while the defacto complainant met the accused in his office to follow the file, the accused demanded a sum of Rs.35,000/- as a bribe to take immediate steps to give electricity service connection. When the defacto complainant expressed his inability to give such a huge amount, the accused reduced the demand from Rs.35,000/- to Rs.10,000/- and asked him to pay the said amount before the evening of 10.05.2010. Once again, the accused contacted the defacto complainant through his phone and told him that he would take steps only after receiving the said amount of Rs.10,000/- before 10.05.2010.

4. Accordingly, on 10.05.2010 at about 04.45 p.m., the defacto complainant met the accused near Venkatesh Fruit Stall along with the official witness and handed over a sum of Rs.10,000 to the accused, which was received by him and kept in his T-



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shirt, after counting. The said amount received by the accused is illegal gratification and not legal remuneration or payment supposed to be made to get the electricity service connection and the same is punishable under Section 7 of the Prevention of Corruption Act.

5.The learned counsel for the petitioner submitted that the demand as alleged by the prosecution has not been proved and P.W.2, who is defacto complainant himself has not stated anything about the demand. He further submitted that the evidence of P.W.2 is directly contradictory to his complaint statement.

6.The learned Trial Judge has observed that the receipt of money has been proved by the prosecution that there is a presumption with regard to demand and that the accused being the Junior Engineer, is handling the file of the defacto complainant. The learned trial judge has also observed that the demand is proved through circumstantial evidence, even though P.W.1 had turned hostile.

7.The learned counsel for the petitioner raised a specific point as to the proof of demand. On perusal of the records, it is also seen that P.W.2 has not stated about the demand in clear-cut terms and the prima facie grounds have been made for detailed hearings.

8. Since there is no possibility to hear the appeal in any near future and it takes sometime to list the appeal for final hearing and considering the fact that the accused



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is said to have undergone 80 days of incarceration and he undertakes that he appears before the Court as and when required and he will abide by the conditions if any imposed by the Court, in case sentence is suspended, I feel it appropriate to suspend the sentence of the imprisonment alone on certain conditions. Accordingly, the substantive part of the sentence of imprisonment alone is suspended on the following conditions:

- i. that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Thoothukudi;
- ii. that the petitioner shall appear before the said Court once in a month (i.e., on the first working day of every English Calender month) at 10.30 a.m. till the disposal of appeal.

sd/-

14/07/2025

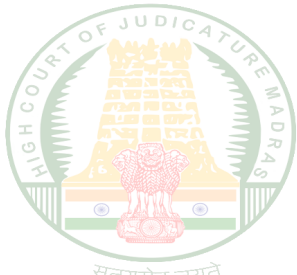
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16/07/2025

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

cp
TO

1 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.



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2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

3 THE DEPUTY SUPERINTENDENT OF POLICE, VIGILANCE AND ANTI CORRUPTION, THOOTHUKUDI DETACHMENT, THOOTHUKUDI DISTRICT.

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

ORDER
IN
CRL MP(MD) No. 6662 of 2025
in
CRL A(MD) No. 600 of 2025
Date :14/07/2025

NBF/SAR- /16/07/2025/ 6P/5C

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