



*Crl.M.P.(MD)No.7771 of 2025
in Crl.A.(MD)No.680 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved on : 12.11.2025

Pronounced on : 18.11.2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.7771 of 2025

in

CRL A(MD) No.680 of 2025

G.Dhanapal

**Petitioner/
Appellant**

Vs

State of Tamil Nadu represented by
The Inspector of Police,
Vigilance and Anti Corruption,
Sivagangai District.
(Crime No.05 of 2009)

**Respondent/
Respondent**

Prayer in CRL MP(MD).7771 of 2025 : This Criminal Miscellaneous Petition filed under Section 430 B.N.S.S., praying to suspend the sentence imposed on the petitioner / appellant in Spl.C.C.No.64 of 2014 on the file of the learned Special Court for trial of cases under Prevention of Corruption Act, Sivagangai dated 26.05.2025 pending disposal of the above criminal appeal.



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Prayer in CRL A(MD).680 of 2025 : This Criminal Appeal filed under Section 415 B.N.S.S., praying to call for the records and set aside the conviction and sentence passed against the appellant by the learned Special Judge for Trial of cases under the Prevention of Corruption Act, Sivagangai in Spl.C.C.No.64 of 2014, dated 26.05.2025 and acquit the appellant.

For Petitioner: Mr.T.Lajapathi Roy, Senior Counsel
for M/s.Roy and Roy Associates

For Respondent: Mr.S.Ravi
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioner / second accused by the learned Special Judge, Special Court for Trial of cases under Prevention of Corruption Act, Sivagangai, in Spl.C.C.No.64 of 2014 dated 26.05.2025, till the disposal of the appeal.

2. The case of the prosecution is that on 02.07.2009, the first accused, who was working as Executive Officer, Selection Grade Town Panchayat, Singampunari, Sivagangai District and the petitioner, who was working as Bill Collector in the said office, had demanded Rs.2,000/- as bribe to give House Tax Assessment and House Tax Receipt to the defacto complainant for his newly built



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house, for which, the defacto complainant gave a complaint to the respondent police on 08.07.2009 and FIR came to be registered in Crime No.05 of 2009 for the offence under Section 7 of the Prevention of Corruption Act and that subsequently, trap operation was organized on the same day and the defacto complainant went to the accused office and gave Rs.2,000/- as bribe as demanded to the petitioner and the same was received by the petitioner. After completing the investigation, the respondent police has filed a final report for the offences under Sections 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act and the case was taken on file in Spl.C.C.No.64 of 2014 on the file of the Special Court for Trial of cases under Prevention of Corruption Act, Sivagangai.

3. During trial, the prosecution examined 11 witnesses as P.W.1 to P.W.11, exhibited 50 documents as Ex.P.1 to Ex.P.50 and marked 6 material objects as P.M.O.1 to P.M.O.6. The defence adduced neither oral nor documentary evidence.

4. The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, passed the impugned judgment dated 26.05.2025 convicting the petitioner. The petitioner has been



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found guilty and convicted for the offences under Sections 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act and sentenced him to undergo rigorous imprisonment for four years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for three months for the offence under Section 7 of the Prevention of Corruption Act and to undergo rigorous imprisonment for four years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for three months for the offence under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act. The above sentences were ordered to be run concurrently. Challenging the above said conviction and sentence, the second accused has preferred the present Criminal Appeal along with the above miscellaneous petition for suspension of sentence.

5. The learned Senior Counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner has already paid the fine amount and that the petitioner is in prison from 26.05.2025.



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6. The respondent police filed a counter affidavit raising objections to suspend the sentence.

7. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

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

9. The learned Senior Counsel appearing for the petitioner would point out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

10. In the result, this Criminal Miscellaneous Petition is ordered.



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Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

(i) 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 Special Court for Trial of cases under Prevention of Corruption Act, Sivagangai;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the trial Court on the first and third Monday of every English calendar month at **10.30 a.m., until further orders** and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 355 B.N.S.S. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

18-11-2025

CSM



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To
WEB COPY

- 1.The Special Judge,
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.