



CRL MP(MD) No. 9537 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2025

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THE HONOURABLE DR JUSTICE R.N.MANJULA

CRL MP(MD) No. 9537 of 2025

in CRL A(MD) No. 772 of 2025

P.Sundaram

...Petitioner/Sole Accused

Vs.

The State of Tamil Nadu,
Represented by its
Inspector of Police,
Vigilance and Anti-Corruption Division,
Tirunelveli
Crime No.04 of 2012

... Respondent/complainant

PRAYER : This Criminal Miscellaneous Petition is filed under Section 430 (1) of BNSS, to suspend the sentence and grant bail to the appellant/sole accused against the judgment dated 30.06.2025 in S.C.No.3 of 2016 on the file of the Special Court for Prevention of Corruption Cases Tirunelveli in Crime No.04 of 2012 on the file of the respondent police pending disposal of the criminal appeal.

For Petitioner : Mr.T.Lajapathi Roy

Senior Counsel

for M/s.Roy and Roy Associates

For Respondent : Mr.K.Gnanasekaran

Government Advocate(crl.side)



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ORDER

The Criminal Miscellaneous Petition is filed to suspend the sentence of imprisonment imposed on the petitioner by the Special Court for Prevention of Corruption Cases, Tirunelveli, in S.C.No.3 of 2016 dated 30.06.2025 and enlarge him on bail pending disposal of above appeal.

2. The appellant is the sole accused and he has been charged for the offence under Section 13(2) r/w 13(1)(e) of Prevention of Corruption Act and convicted and sentenced to undergo 3 years (R.I) and a fine of Rs.50,000/- in default to undergo six months (S.I).

3. The case of the prosecution is that the accused is a retired Commercial Tax Officer. He served in various positions in the Commercial Tax Department. It is alleged that by misuse of official position and concealment of identity, he acquired property from Tamil Nadu Housing Board and he failed to maintain account for income of family members and alleged gifts. He retired on 31.10.2010, while departmental proceedings were still pending. The check period for the disproportionate assets case was from 01.04.2000 to 31.03.2010. The accused during



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this period had illegally acquired assets disproportionate to his known sources of income, amounting to Rs. 18,31,339.25, in his name and in the names of his family members.

4. The prosecution, through oral and documentary evidence, established that the accused had assets worth Rs. 5,44,751.30 at the beginning of the check period and had assets worth Rs. 26,30,772.45 at the end of the check period. The incurred expenses amounting to Rs. 14,29,597.10 and legal income during the period was only Rs. 21,14,933.40, and the unexplained assets were calculated as Rs. 18,31,339.25.

5. The learned counsel for the petitioner/appellant submitted that the Trial Court ignored the Commissioner report dated 24.12.2000, which related to construction quality issues preceding the check period (April 2000–March 2010) by six months. He further submitted that the ongoing civil dispute over the ancestral property's constructed portion, which predated the impugned check period and that was not considered by the trial court. While the trial court found the appellant guilty for improper accounting, it overlooked that a tenant had been regularly depositing rent.



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6. The learned counsel for the appellant submitted that the court accepted an inference that the petitioner/appellant falsely concealed his public servant status to obtain a TNHB plot though this was not part of the formal charge under Section 13 (2) r/w 13(1)(e) of Prevention of Corruption Act.

7. The learned counsel for the petitioner/appellant further submitted that the income from the daughter, the son, and his wife contributed to the family's income of the accused was not considered by the trial court.

8. This Court has carefully considered the contentions made and also perused the materials available on record.

9. The learned counsel for the petitioner/appellant pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars and there is no previous case pending against the petitioner.

10. Considering the fact that there are arguable points involved in this criminal appeal and there is no possibility to take up the appeal immediately, I feel it is appropriate to suspend the sentence of imprisonment alone on conditions.



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11. Accordingly, this petition is allowed and 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 Special Court for Trial of Cases under Prevention of Corruption Act, Tirunelveli;

(ii) that the petitioner shall appear before the said Court once in a month (i.e., on the first working day of every English Calendar month) at 10.30 a.m. till the disposal of appeal.

sd/-
22/07/2025

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/07/2025
Sub-Assistant Registrar
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Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.The Judge,
Special Court for Prevention of Corruption Cases, Tirunelveli.

<https://www.jmhc.tn.gov.in/judis>



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2.The Inspector of Police,
Vigilance and Anti-Corruption Division,
Tirunelveli.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M/S.ROY AND ROY ASSOCIATES, Advocate (SR-7941[I] dated
23/07/2025)

ORDER IN
CRL MP(MD) No.9537 of 2025
Date :22/07/2025

SBN/25.07.2025 6P/5C

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