

CRL MP(MD) No.10674 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08-09-2025

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THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.10674 of 2025

in

CRL A(MD) No.856 of 2025

D.Jeyabharathi

**Appellant/
Accused (Single)**

Vs

The State of Tamil Nadu represented by
The Inspector of Police,
Vigilance and Anti-Corruption Detachment,
Madurai District.
(Crime No.8 of 2015)

**Respondent/
Complainant**

Prayer in CRL MP(MD).10674 of 2025 : This Criminal Miscellaneous Petition filed under Section 430 B.N.S.S. praying to enlarge the petitioner on bail by suspending the sentence imposed by the Special Court for Trial of Prevention of Corruption Act cases, Madurai in Special Case No.05 of 2016 vide its judgment dated 28.07.2025 pending the disposal of the main criminal appeal pending on the file of this Court.

Prayer in CRL A(MD).856 of 2025 : This Criminal Appeal filed under Section 415 B.N.S.S. praying to call for the entire records pertaining to the judgment delivered by



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the Special Court for Trial of Prevention of Corruption Act Cases, Madurai in Special Case No.05 of 2016 vide its judgment dated 28.07.2025 and set aside the same and consequently acquit the appellant honorably from the said case.

For Petitioner: Mr.R.Anand

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/sole accused by the learned Special Judge, Special Court for Trial of Prevention of Corruption Act cases, Madurai, in S.C.No.05 of 2016 dated 28.07.2025, till the disposal of the appeal.

2. The case of the prosecution is that on 17.06.2015, the defacto complainant has approached the petitioner, who was working as a Village Administrative Officer, for getting free patta for his widowed mother and at that time, the petitioner demanded Rs.1,000/- as bribe, for which, the defacto complainant gave a complaint to the respondent police, that subsequently, trap operation was organized on 19.06.2015, but the Village Administrative Office, Vadivelkarai, was found to be closed, that when the defacto complainant contacted the petitioner, the petitioner informed that she was out of station and would return on 22.06.2015 and on 22.06.2015 also, the office was found to be closed, that the petitioner then informed the defacto



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complainant over the phone that she was available at the Office of Revenue Inspector, NagamalaiPudukkottai and hence, the defacto complainant along with trap team proceeded to office of Revenue Inspector, NagamalaiPudukkottai, that the petitioner informed the defacto complainant that the relevant files were at the office and instructed him to come there on 23.06.2015 with the bribe amount and that on 23.06.2015, the defacto complainant gave Rs.1,000/- as demanded to the petitioner and the same was received by the petitioner and the police party arrived at scene and completed necessary formalities and recovered the bribe amount and arrested the petitioner and hence, FIR came to be registered in Crime No.8 of 2015.

3. The respondent police, after completing the investigation, 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 S.C.No.05 of 2016 on the file of the Special Court for Trial of Prevention of Corruption Act cases, Madurai.

4. During trial, the prosecution examined 15 witnesses as P.W.1 to P.W.15, exhibited 29 documents as Ex.P.1 to Ex.P.29 and marked 4 material objects as M.O.1 to M.O.4. The accused adduced neither oral nor documentary evidence.

5. 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 28.07.2025 convicting the petitioner. The petitioner has been found



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guilty and convicted for the offences under Sections 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and sentenced her to undergo rigorous imprisonment for three years and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a further period of 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.1,000/-, in default to undergo simple imprisonment for a further period of three months for the offences under Sections 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 sole accused has preferred the present Criminal Appeal along with the above miscellaneous petition for suspension of sentence.

6. The learned 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 is in prison and that the petitioner has already paid the fine amount.

7. The learned Additional Public Prosecutor appearing for the respondent police has filed a counter affidavit raising objections to suspend the sentence and would submit that there are enough materials available on record against the



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petitioner and hence, he strongly opposed to grant suspension of sentence.

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

9. The learned 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. 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 Prevention of Corruption Act cases, Madurai;

(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



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(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at **10.30 a.m., until further orders** and if she is not able to appear before the trial Court on any day, she 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 their absence, as directed by the trial Court.

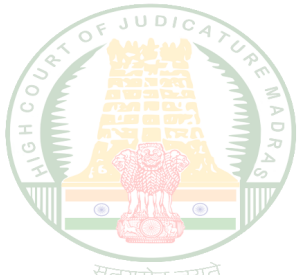
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08/09/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 The Special Judge For Trial Of Prevention of Corruption Act Cases, Madurai.
- 2 The Officer Incharge, Special Prison For Women, Madurai.
- 3 The Inspector of Police, Vigilance and Anti Corruption Detachment, Madurai District.
- 4 The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/s.R.ANAND, Advocate (SR-9684[I] dated 08/09/2025)

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ORDER

IN

CRL MP(MD) No.10674 of 2025

in

CRL A(MD) No.856 of 2025

Date :08/09/2025

NBF/08/09/2025/ 7P/6C

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