



Crl.M.P(MD)No.11432 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2025

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.M.P(MD)No.11432 of 2025

in

Crl.A(MD)No.912 of 2025

Subare Ali Mohamed

... Petitioner

Vs.

State of Tamil Nadu rep. By the Inspector of Police,
Vigilance and Anti-Corruption,
Trichy. Crime No.25 of 2009.

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, to suspend the sentence of imprisonment imposed by the Special Court for Trial of Cases under Prevention of Corruption Act, Trichy District in Special Case No.15 of 2011 by judgment dated 13.08.2025 and enlarge the petitioner/appellant on bail, pending disposal of the appeal.

For Petitioner : Mr.R.Gandhi, Senior Counsel,
for Mr.T.J.Ebenezer Charles.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor.



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act, Trichy District in Spl.C.C.No.15 of 2011, dated 13.08.2025, till the disposal of the appeal.

2. The case of the prosecution is that the petitioner/accused demanded bribe of Rs.6,500/- from the defacto complainant for processing the tax assessment and on that basis, FIR came to be registered in Crime No.25 of 2009.

3. The respondent police, after completing the investigation, has filed the final report and the case was taken on file in Spl.C.C.No.15 of 2011 and the same was pending before the Special Court for Trial of Cases under Prevention of Corruption Act, Trichy.

4. During trial, the prosecution has examined 10 witnesses as P.W.1 to P.W.10, exhibited 21 documents as Ex.P.1 to Ex.P.21 and marked 5 material objects as M.O.1 to M.O.5. The defence side exhibited three documents as Ex.D.1 to Ex.D3 and no



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examined any witness.

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5. The learned Special Judge, upon considering the evidence, both oral and documentary and on hearing the arguments on both the sides, has passed the impugned judgment dated 13.08.2025 convicting the petitioner/accused for the offence under Section 7 of Prevention of Corruption Act and sentenced him to undergo two years simple imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo three months simple imprisonment and convicting the petitioner/accused for the offence under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act and sentenced him to undergo three years simple imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo three months simple imprisonment and further ordered that both the sentences of imprisonment to run concurrently. The Trial Court has suspended the sentence imposed on the petitioner till 12.09.2025. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6. The learned Additional Public Prosecutor appearing for the State would submit that there are enough materials available on record against the petitioner and



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hence, he strongly opposed to grant suspension of sentence.

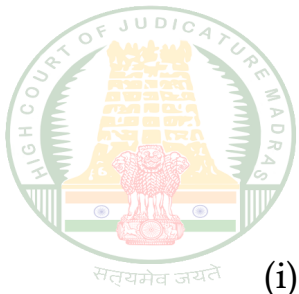
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7. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would also submit that the petitioner has already paid the fine amount.

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

9. The learned counsel appearing for the petitioner pointed out that 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 suspension of sentence.

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



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(i) the petitioner is directed to 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, Tiruchirappalli;

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(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 he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C (355 of BNSS) 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.

sd/-
01/09/2025

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/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

das

To

1.The Special Judge, Special Court for Trial of Cases
under Prevention of Corruption Act, Trichy.



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

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

+1 CC to M/s.T.J.EBENEZER CHARLES, Advocate (SR-9421[I] dated 01/09/2025)

ORDER

IN

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IN

CRL A(MD) No.912 of 2025

Date :01/09/2025

HPS/09.09.2025 6P/5C

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