



Crl.M.P.(MD)No.16749 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2025

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.M.P(MD)No.16749 of 2025

in

Crl.A(MD)No.1199 of 2025

1.V.Sivakumar

2.A.Udayakumar

... Petitioners

Vs.

State of Tamil Nadu rep. by
the Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Tirunelveli. Crime No.09 of 2009.

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 430 of BNSS, to suspend the sentence of imprisonment imposed by the learned Special Judge, Special Court for trial of cases under of Corruption Act, Tirunelveli, in Spl.C.No.53 of 2014 by judgment dated 29.10.2025 and enlarge the petitioners/appellants on bail, pending disposal of the appeal.

For Petitioners : Mr.T.Seeni Syed Amma,
for Roy and Roy Associates.

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



Crl.M.P.(MD)No.16749 of 2025

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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, Tirunelveli District in Spl.C.No.53 of 2014, dated 29.10.2025, till the disposal of the appeal.

2. The case of the prosecution is that the first petitioner/1st appellant was serving as Assistant Engineer and the second petitioner/2nd appellant was serving as Commercial Assistant in Tamil Nadu Electricity Board, Tirunelveli Region. On 25.06.2009, the defacto complainant approached the petitioners/accused seeking an electricity connection for his residential property; that the accused demanded a bribe of Rs.9,000 from the defacto complainant for processing the request and on that basis, FIR came to be registered in Crime No.9 of 2009 for the offence punishable under Sections 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act r/w 34 IPC.

3. The respondent police, after completing the investigation, has filed the final report and the case was taken on file in Spl.C.No.53 of 2014 and the



Crl.M.P.(MD)No.16749 of 2025

same was pending before the Special Court for Trial of Cases under Prevention of Corruption Act, Tirunelveli.

4. During trial, the prosecution has examined 11 witnesses as P.W.1 to P.W.11, exhibited 19 documents as Ex.P.1 to Ex.P.19 and marked 6 material objects as M.O.1 to M.O.6. The defence side examined one witness as D.W.1 and exhibited one document as Ex.D.1.

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 29.10.2025 convicting the petitioners/accused for the offence under Section 7 of Prevention of Corruption Act and sentenced them to undergo two years simple imprisonment and to pay a fine of Rs.5,000/-each, in default to undergo one month simple imprisonment and for the offence under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, sentenced them to undergo two years simple imprisonment and to pay a fine of Rs.5,000/-, each, in default, to undergo one month simple imprisonment and further ordered that both the sentences of imprisonment to run concurrently. The Trial Court has suspended the sentence imposed on the



Crl.M.P.(MD)No.16749 of 2025

petitioners till 29.11.2025. Challenging the above said conviction and sentence, the petitioners have 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 petitioners and hence, he strongly opposed to grant suspension of sentence.

7. The learned counsel appearing for the petitioners 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 petitioners have 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 petitioners would point out that certain infirmities and inconsistencies in this case and also certain



Crl.M.P.(MD)No.16749 of 2025

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 petitioners herein are entitled to the relief of suspension of sentence.

10. In the result, the Criminal Miscellaneous Petition is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioners on the following conditions:-

(i) the petitioners are directed to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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) 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 petitioners 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 they are not able to



Crl.M.P.(MD)No.16749 of 2025

appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

12.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act, Tirunelveli.
- 2.The Deputy Superintendent of Police, Vigilance and Anti-Corruption, Tirunelveli. Crime No.09 of 2009.
- 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR,J.

das

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Dated: 12.11.2025