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Crl.M.P.(MD)Nos.17531 & 17535 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2025

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.M.P(MD)Nos.17531 & 17535 of 2025

in

Crl.A(MD)No.1235 of 2025

S.Bernath Isac

... Petitioner
(in both petitions)

Vs.

State of Tamil Nadu rep. By the Inspector of Police,
Vigilance and Anti-Corruption,
Trichy. Crime No.10 of 2011.

... Respondent
(in both petitions)

PRAYER in Crl.M.P(MD)No.17531 of 2025 : Criminal Miscellaneous Petition filed under Section 430 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.110 of 2012 by judgment dated 25.10.2025 and enlarge the petitioner/appellant on bail, pending disposal of the appeal.

PRAYER in Crl.M.P(MD)No.17535 of 2025 : Criminal Miscellaneous Petition filed under Section 430 of BNSS, to exempt the petitioner from surrendering before the trial Court in pursuance of the judgment in Special Case No.110 of 2012, dated 25.10.2025 passed by the Special Court for Trial of Cases under Prevention of Corruption Act, Trichy District, pending disposal of the appeal.



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(in both petitions)

For Petitioner

: Mr.M.Pozhilan,

For Respondent

: Mr.B.Thanga Aravindh,

Government Advocate (Criminal Side)

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.110 of 2012, dated 25.10.2025, till the disposal of the appeal.

2.The case of the prosecution is that the first accused was employed as an Assistant and the petitioner was employed as a watchman at the Tamil Nadu Housing Board, Kajamalai Colony, Tiruchirappalli; that the complainant, along with his wife and daughter had applied for house plots in the year 1995 and that on 06.11.1995, they were allotted plots at Navalpattu and paid an advance amount of Rs.1,100/- each and agreeing to pay Rs.46/- per plot per month till 2003. Subsequently, on 19.11.2010, the complainant went to the office of the Executive Engineer for the Trichy Housing Unit and obtained a receipt for Rs. 7,506/- towards payments made; that thereafter, the first accused issued the bond only to the complainant and instructed him to return after two months to collect the bond for his wife and daughter.



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However, when the complainant approached the first accused after the said period, the accused allegedly demanded a bribe of Rs. 2,500/- for issuing the remaining bond for himself and for the second accused/petitioner. On the basis of the complaint, FIR came to be registered in Crime No.10 of 2011 for the offence under Sections 7, 12, 13(1)(d) r/w 13(2) of Prevention of Corruption Act.

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.110 of 2012 and the same was pending before the Special Court for Trial of Cases under Prevention of Corruption Act, Trichy.

4. During trial, the prosecution examined 10 witnesses as P.W.1 to P.W.10, exhibited 25 documents as Ex.P.1 to Ex.P.25 and marked 11 material objects as M.O.1 to M.O.11. The defence side exhibited four documents as Ex.D.1 to Ex.D3 and not examined any witness.

5. Pending Special case, the first accused died and the charges levelled against him was ordered to be abated. The learned Special Judge, upon considering the evidence, both oral and documentary and on hearing the



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arguments on both the sides, passed the impugned judgment dated 25.10.2025 convicting the petitioner/A2 for the offence under Section 12 of Prevention of Corruption Act and sentenced him to undergo two years imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment. The Trial Court has suspended the sentence imposed on the petitioner till 25.11.2025. 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 Government Advocate (Criminal Side) appearing for the State would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

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.



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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 would point 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. In the result, the 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 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;



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(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.

Consequently, Crl.M.P(MD)No.17535 of 2025 is closed.

20.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Special Judge, Special Court for Trial of Cases
under Prevention of Corruption Act, Trichy.
- 2.The Inspector of Police,
Vigilance and Anti-Corruption, Trichy.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.M.P(MD)No.17531 & 17535 of 2025
in
Crl.A.(MD)No.1235 of 2025

Dated: 20.11.2025