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CRL MP(MD) NO. 19009 of 2025
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-12-2025

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THE HONOURABLE MRS JUSTICE N. MALA

CRL MP(MD) NO. 19009 of 2025

IN CRLA(MD) NO. 1297 of 2025

G.Chelliah

Petitioner(s) / Sole Accused

Vs

The State Of Tamilnadu Rep By
The Inspector Of Police,
Vigilance and Anti-Corruption,
Theni.
(In Crime No. 4/2013)

Respondent(s) /Complainant

For Petitioner(s):

Mr.T.Lajapathi Roy
Senior Counsel
for Mr.G.Anto Prince

For Respondent(s): Mr.B.Nambi Selvan
Additional Public Prosecutor

Prayer: This petition is filed under Section 430(1) of BNSS/389(1) of Cr.P.C to
Suspend the sentence imposed by the Learned Principal Sessions Judge, Theni
in Spl.C. No. 1 of 2015 dated 14.11.2025 and enlarge the Appellant accused on
bail pending disposal of the main appeal.



ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned Principal Sessions Judge, Theni, in Spl.C. No. 1 of 2015 dated 14.11.2025, and enlarge him on bail pending the disposal of the appeal.

2. Based on the complaint lodged, enquiry was conducted. After completion of enquiry, FIR was registered in Crime No.4 of 2013 for the offence punishable under Sections 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, against the accused. The respondent police completed the investigation and thereafter obtained permission from the competent authority to file a charge sheet. After obtaining permission, charge sheet had been filed. The same was taken cognizance by the learned Principal District and Sessions Court, Theni, in Spl.S.C.No.01 of 2015.

3. The case of the prosecution is that the petitioner, who is the sole accused, was functioning as the Commercial Tax Officer at Bodinayakkanur Circle, Theni District, at the relevant point of time. While so, the accused, being the competent authority to issue a Registration Certificates under the Tamil Nadu Value Added Tax Act to start new business establishments within his



circle, demanded bribe of Rs.15,000/- from one Jayaraj, who was employed as an Assistant in Raghul Cardamom Company, which was owned by one E.Kanchana and managed by her husband, for processing the application and for issuing the registration certificate of the said firm.

4. During trial, the prosecution examined 13 witnesses as P.W.1 to P.W.13, exhibited 34 documents as Ex.P.1 to Ex.P.34 and marked 5 material objects as M.O.1 to M.O.5. On the side of the defence, 3 witnesses were examined as D.W. 1 to D.W.3, 13 documents were exhibited as Ex.D.1 to Ex.D.13 and no material object was marked.

5. The learned Principal District and Sessions Court, Theni, upon considering the evidence, both oral and documentary and on hearing the arguments on both the sides, passed the impugned judgment, dated 14.11.2025 convicting the petitioner/accused and sentencing him as follows:

Offences	Sentence
Sec. 7 of P.C. Act	3 years R.I and a fine of Rs.10,000/- i/d S.I for 3 months
Section 13(2) of P.C Act	3 years R.I and a fine of Rs.5,000/- i/d S.I for three months
Section 13(1)(d) of P.C Act	A fine of Rs.5000/- i/d S.I for three months

Further, it was ordered that the sentences of imprisonment would run



concurrently. 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 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 has already paid the fine amount.

7. The learned Additional Public Prosecutor 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.

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 the infirmities, inconsistencies and certain contradictions in material particulars in the case. It is seen that there are certain arguable points involved in the criminal appeal and further the criminal appeal is not likely to be taken up for final



hearing in the near future. Hence, this Court is of the considered view that the petitioner herein is entitled for 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 petitioner to enlarge him on bail 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 Principal Sessions Judge, Theni;

(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.

02-12-2025

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To,
The Inspector Of Police,
Vigilance and Anti-Corruption,
Theni.
(In Crime No. 4/2013)



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N.MALA., J.

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