



WEB COPY

CRL MP No. 236 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-01-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 236 of 2026

IN

CRL A No. 15 of 2026

T.Hariharan

Petitioner(s)

Vs

State rep.by,
The Inspector of Police,
Vigilance and Anti-Corruption,
CC-I, Chennai.
Cr.No.18/AC/2014/CC-1.

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, 2023 praying to suspend the sentence of imprisonment imposed by the learned Special Judge for PC Act cases at Chennai in C.C.No.16 of 2015 on 30.12.2025 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner(s): Mr. C.S.Dhanasekaran,
for
M/s.A.Balaji

For Respondent(s): S.Udayakumar,
Government Advocate (Crl.side)

**ORDER**

WEB COPY This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the judgment dated 30.12.2025 in C.C.No.16 of 2015 on the file of the Special Court for cases under Prevention of Corruption Act at Chennai 104 and release the petitioner on bail pending disposal of the above criminal appeal.

2. The petitioner/Accused in C.C.No.16 of 2015 was convicted by the Trial Court by the judgment dated 30.12.2025 for the offences under Sections 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 ('PC Act') and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo three months simple imprisonment, for the offence under Section 7 of PC Act and sentenced to undergo four years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo three months simple imprisonment for the offence under Sections 13(2) r/w 13(1)(d) of Prevention of Corruption Act, Aggrieved by the said conviction, the petitioner filed Crl.A.No.1848 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.



3. The contention of the learned counsel for the petitioner is that the petitioner has been falsely implicated in this case. The petitioner had never met the defacto complainant/P.W.2. Admitted position is that PW2 met P.W.5, who demanded a sum of Rs.30,000/-, for issuance of legal heirship certificate. Even in the complaint, the demand by Deputy Tahsildar recorded.

4. It is further contended that on the date of the trap, the petitioner was present in a teashop. At that time, P.W.2 thrust the wades of notes to be handed over to PW5 since PW5 was not in office, momentarily the trap team surrounded the petitioner and forced him to receive the bribe amount, projected as acceptance of bribe. Thereafter, the petitioner taken to the office situated on the first floor and trap proceedings recorded. P.W.2 deposed money was handed over in the tea shop situated on the ground floor. But, P.W.3 the accompanying witness, states that bribe amount was received by the petitioner in the first floor. Hence, a vital contradiction between P.W.2 and P.W.3 with regard to the place of handing over and receipt of the bribe amount.

5. Further admitted case is that demand was made by P.W.5 Deputy Tahsildar. In the complaint, there is mention about Additional Tahsildar. Since there is no post of Additional Tahsildar, Investigating Officer conveniently _



glossed over this crucial aspect, without conducting any proper investigation against the Deputy Tahsildar/P.W.5. The admitted position is that it is the Deputy Tahsildar, competent authority to issue legal heir certificate. The role of Revenue Inspector is limited to conduct enquiry and thereafter place the file before the Deputy Tahsildar, who after scrutiny would forward the same to the Tahsildar. P.W.5 is the superior officer, to whom the arrest of the petitioner intimated. In such circumstances, absolving P.W.5 and making the petitioner a scape goat is improper, these aspects not considered by the trial Court. In this case, there is no demand, acceptance of any bribe amount by the petitioner.

6. The learned Government Advocate(crl.side) opposed the contention of the petitioner and submitted that in the present case, P.W.2 is the complainant, who lodged a complaint to TLO/P.W.8 stating that the petitioner had demanded a bribe amount of Rs.30,000/- on 17.11.2024. Later, bribe amount reduced to Rs.25000/-. As the defacto complainant was not willing to give the bribe amount, he lodged a complaint, pursuant to which pre-trap proceedings conducted. P.W.2 after handing over the bribe amount to the accused had given pre-arranged signal. P.W.8, Trap Laying Officer, along with the trap team, surrounded the petitioner and confirmed the receipt of bribe amount. P.W.3 corroborated the demand and acceptance of bribe by the appellant. Phenolphthalein test conducted on the petitioner proved positive, and the bribe



amount recovered from the petitioner's pant pocket. Though petitioner completed all process for issuance of Legal Heirship certificate, but had retained the file for the purpose of bribe amount. This fact confirmed by P.W.5 and P.W.4.

7. It was further submitted that the points raised by the petitioner were duly considered by the Trial Court, which held that there was demand, acceptance of bribe amount and recovery of the same from the petitioner. He further submitted that though there is a reference in the complaint regarding the demand of bribe amount by the Additional Tahsildar, there is no post of Additional Tahsildar during the relevant point of time. The Trial Court on the evidence of witnesses and the materials produced, rightly convicted the petitioner. Hence, prayed for dismissal of the petition seeking suspension of sentence.

8. Considering the facts and circumstances of the case and also the fact that there are arguable points involved in this appeal and it would take some time for the appeal to be taken up for final hearing and also the fact that fine amount paid, this Court is inclined to suspend the sentence imposed on the petitioner.



9. Accordingly, the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the above appeal and the petitioner is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the trial Court.

10. Further, the petitioner shall appear before the Trial Court once in six months at 10.30 a.m. on the first working day of the month, until the disposal of the criminal appeal and if he is not able to appear before the Trial Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C. 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.

11. Accordingly, this Criminal Miscellaneous Petition is ordered.

09-01-2026

2/2

Mrp

Note : Issue order copy today.



To

1. The Special Judge,
Special Court for PC Act Cases,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

3. The Inspector of Police,
Vigilance and Anti-Corruption, CC-I,
Chennai.

4. The Superintendent ,
Central Prison, Puzhal,
Chennai.



WEB COPY

CRL MP No. 236 of 2026



M.NIRMAL KUMAR J.

mrp

CRL MP No. 236 of 2026

In

CRL A No. 15 of 2026

2/2

09-01-2026