IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 19.06.2026

Pronounced on: 24-06-2026

CORAM

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

CRL A No. 802 of 2018

P.S.M.Varalakshmi
W/o.V.Ravi, No.132/198,
Choolaimedu High Road,
Choolaimedu, Chennai 600094.

..Appellant(s)

Vs

State Rep. By
Inspector Of Police,
Vigilance And Anti Corruption,
Special Unit -I, Chennai.

..Respondent(s)

Prayer: Criminal Appeal filed under Section 374 (2) of the Criminal Procedure Code against the Judgment of Conviction and Sentence passed by the learned Special Judge, Special Court for the cases under Prevention of Corruption Act, Chennai in C.C.No.12 of 2012 dated 19.11.2018.

For Appellant(s): Mr.S.Karthikeyan

For Respondent(s): Mr.R.Ganesh Kumar
Counsel for Government of Tamilnadu
(Crl.Side)

JUDGMENT

This appeal is directed as against the Judgment passed in C.C.No.12 of 2012 on the file of the learned Special Judge, Special Court for the cases under Prevention of Corruption Act, Chennai thereby convicted the accused under Sections 7 and 12, 13(2) read with 13(1) (d) of Prevention of corruption Act, 1988.

2. The case of the prosecution is that the defacto complainant lodged a complaint alleging that the 2nd accused demanded illegal gratification, for name transfer and issuance of sale deed. On receipt of the said complaint, the respondent registered FIR in Crime No.20/AC/2010/CC-I under Sections 7, 12 & 13(2) r/w 13(1)(d) of Prevention of Corruption Act. In pursuant to the registration of FIR, a trap was organised and the accused, who are public servants reiterated their demand and the 1st accused accepted the illegal gratification of Rs.1,500/- as a motive or reward for doing an official act in exercising his official duty. In the trap proceedings, both the accused have caught red handed and the tainted money was recovered from the 1st accused. After obtaining sanction from the sanctioning authority, the respondent charged the accused 1 and 2 for the offences punishable under Sections 7, 13(1)(d) r/w 13(2) of Prevention of Corruption Act. In order to

bring the charges to home, the prosecution had examined witnesses P.W.1 to P.W.9 and marked Exhibits Ex.P.1 to P.19 and produced Material Objects 1 to 6. On the side of the accused, the appellant examined himself as D.W.1 and no documents were marked. On a perusal of the oral and documentary evidence, the trial court found the 2nd accused guilty for the commission of offences under Sections 12, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 and sentenced her to undergo one year rigorous imprisonment and pay a sum of Rs.1,000/- and in default, to undergo simple imprisonment for a period of three months for the offence under Section 12 of the Prevention of Corruption Act and the 2nd accused is sentenced to undergo rigorous imprisonment for two years and shall pay a fine of Rs.2,000/- and in default, to undergo Simple Imprisonment for three months for offences under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act and the punishment were ordered to run concurrently. However, the 2nd accused was found not guilty for the offences under Section 7 of the Prevention of Corruption Act. While pending trial, the 1st accused died and as such, all the charges are abated as against him.

3. The learned counsel for the appellant submits that while the 2nd accused was working as Bill Collector in Tamil Nadu Slum Clearance Board at T.P.Chaitram, she was charged for the offences under Sections 7, 12, 13(1)

(d) r/w 13(2) of Prevention of Corruption Act, 1988 and she was not even connected to the particular section to deal with the name transfer and registration of any sale deed. She acted as Bill Collector, that too appointed on probation basis and her duty was to collect the monthly rent from the allottees of house from the Tamil Nadu Slum Clearance Board. The 1st accused was the main person to deal with applications of transfer of ownership, therefore, the 2nd accused could not have demanded any money from the complainant. In fact, the mother of complainant deposed that the 1st accused only demanded bribe, therefore, no offence is made out as against the 2nd accused. The 1st accused, while he was functioning as Revenue Inspector of Tamil Nadu Slum Clearance Board was well known to the defacto complainant and her mother. In fact, the 1st accused came to their house very often and they had acquaintance with each other. Even according to the case of the prosecution, the defacto complaint had paid the entire rental arrears, registration fee for execution of sale deed as early as on 20.01.2010. Therefore, there was absolutely no need for the 2nd accused to meet the defacto complaint at all and make a demand, when she had no authority / power or competence to do the needful for the defacto complainant. In fact, on the date of alleged trap, the accused had collected a sum of Rs.86,000/- and came to her office at about 4 or 4.30 p.m., she was busy with entering the collections in the various registers, as per procedure, therefore, the 2nd accused neither was present nor did she witness the alleged payment of bribe to the tune of Rs.3,000/- by the defacto complainant. In reality, the relevant documents were recovered only from the 1st accused and no piece of document was recovered from the 2nd accused, since the 1st accused is the one to have power and competence to deal with the request of the defacto complainant. Further, there are contradictions between the evidence of P.W.2 and P.W.8, in respect of demand and acceptance of bribe amount, even then, the trial court mechanically convicted the accused and as such, the entire conviction cannot be sustained and is liable to be set aside.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the 1st accused was working as Lower Division Estate Inspector and the 2nd accused was a Bill Collector at Estate Office-5, Tamil Nadu Slum Clearance Board. Since the 2nd accused was a Bill Collector, who was in the same office of the 1st accused, both the accused fall under the provision of 'Public Servant' as defined in Section 2(C) of the Prevention of Corruption Act. The Tamil Nadu Slum Clearance Board allotted a house in favour of one Rani Ammal, subsequently, she died, therefore, the legal heirs namely, her two daughters and grand daughter approached the 1st accused, in turn, the 2nd accused demanded a sum of Rs.3,000/- for name transfer and issuance of sale deed. However, the defacto complainant did not want to pay

any bribe and preferred a complaint. After registration of FIR, two official witnesses were called upon by the Trap Laying Officer to set up a trap and the defacto complainant was accompanied by the official witnesses to the office of the accused. The 1st accused received the tainted money from the defacto complainant and the 2nd accused demanded illegal gratification and informed the same to the 1st accused. Both the accused were caught red handed and after completion of all formalities, the respondent, charge sheeted the accused, thus, the prosecution has categorically proved the charges and the trial court has rightly convicted the accused and the same does not warrant any interference by this Court.

5. Heard the learned counsel appearing for the appellant and the learned Government Advocate [Crl.Side] appearing for the respondent and perused the entire documents placed on record.

6. Admittedly, there were two accused, in which, the 1st accused died during trial, thereby the charges as against him were abated and the 2nd accused was convicted for offences punishable under Sections 7, 12, 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988 and has preferred this appeal. The defacto complainant has deposed as P.W.2 and on the request made by P.W.2, the 1st accused filled the application for name transfer and registration

of sale deed in favour of legal heirs of the deceased Rani Ammal. The entire rental arrears was already remitted and also payment was made towards registration charges to execute the sale deed. At this juncture, the 2nd accused, who was a bill collector, demanded a sum of Rs.3,000/- for execution of sale deed in favour of legal heirs of Rani Ammal. However, P.W.2 expressed her inability and lodged a complaint and the same was marked as Ex.P.2. On receipt of the said complaint, the respondent registered FIR, which was marked as Ex.P.15. After registration of FIR, the respondent set up a trap laying officer, who deposed as P.W.7.

7. It is to be noted that the learned counsel appearing for the accused vehemently contended that there was no demand by the 2nd accused. Further, it is not the case of the prosecution that prior demand was made at the residence of P.W.2 and prior demand was made on 11.11.2010, while the legal heirs of the deceased Rani Ammal went to the office of the accused. P.W.2 categorically deposed about the demands made by the 2nd accused at her office. The said demand was made as directed by the 1st accused and the tainted amount was tendered by P.W.2 to the 1st accused as directed by the 2nd accused. Therefore, demand was made by the 2nd accused and the bribe amount was received by the 1st accused, therefore, the prosecution has proved that the 1st accused had received illegal gratification as abetted by the

2nd accused. Though the term 'abetment' has not been defined any where in the Prevention of Corruption of Act, it is a kin to the provision of the Indian Penal Code. Therefore, the prosecution had categorically proved that the 2nd accused, who was a bill collector abetted the offences under the Prevention of Corruption Act and that she made a demand of illegal gratification and instructed P.W.2 to make the said payment to the 1st accused.

8. Further, the prosecution proved that the late estate officer and the 2nd accused were in the Committee to deal with the matter of execution of sale deeds and to prove the same, the prosecution has marked Exhibit P.12.

9. That apart, on perusal of the evidence of P.W.8, who is none other than the mother of P.W.2, it is revealed that it was informed by P.W.2 that the demand was made by the 1st accused. Therefore, P.W.8 is a hear say evidence. That apart, her evidence refers to the previous demand. P.W.2 categorically deposed that the demand was made by the 2nd accused. In fact, Ex.P.2, [Complaint] also reveals the same and if at all any demand was made by the 1st accused, it would have been reflected in the complaint lodged by P.W.2. Though some of the relevant documents were recovered from the table of the 1st accused, the 2nd accused, being a bill collector and also being part of the committee, demanded illegal gratification from P.W.2 and

instructed P.w.2 to make the payment to the 1st accused for doing the needful in favour of the legal heirs of the deceased, therefore, the prosecution had categorically proved the charges and the trial court rightly convicted the accused.

10. In view of the above said discussions, this Court finds no infirmity or illegality in the order passed by the trial court and Judgment passed in C.C.No.12 of 2012 dated 19.11.2018 by the learned Special Judge, Special Court for the cases under the Prevention of Corruption Act, Chennai is confirmed and the present appeal fails and the same is dismissed. Considering the overall facts and circumstances of the case, this Court deems it fit to modify the sentence awarded to the appellant and direct that the rigorous imprisonment shall be converted into simple imprisonment.

24-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ssd
To
1. Special Judge, Special Court for the cases
under the Prevention of Corruption Act, Chennai
2. State Rep. By
Inspector Of Police, Vigilance and Anti Corruption,
Special Unit -i, Chennai.
3. The Public Prosecutor,
Madras High Court,
Madras

G.K.ILANTHIRAIYAN, J.

ssd

Pre-Delivery Judgment in
CRL A No. 802 of 2018

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