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CRL RC No. 537 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-08-2026

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THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

**CRL RC No. 537 of 2025
and CMP No.7622 of 2025**

Pushpa Yadav
W/o.Ashok Kumar Yadav,
Plot No.110, Sector 9, Chitrakoot,
Vaishali Nagar, Jaipur,
Rajasthan-302 021.

..Petitioner(s)

Vs

The State Rep By,
The Inspector Of Police,
CBI, ACB, Chennai.

..Respondent(s)

Prayer: This Criminal Revision Case filed under Section 438 and 442 of the Bharaiya Nagarik Suraksha Sanhita, 2023, to call for the records in Crl.M.P.No.6291 of 2023 in C.C.No.3 of 2022 on the file of the Court of XIV Additional Special Judge for CBI Cases, Chennai 600104 and to set aside the order dated 22.11.2024.

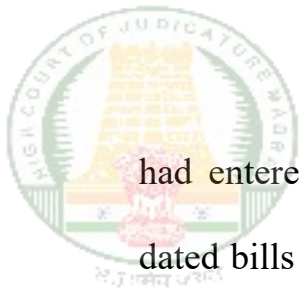
For Petitioner(s) : Mr. V.S.Venkatesh

For Respondent(s) : MR.K.Srinivasan,
Special Public Prosecutor for CBI cases

**ORDER**

This Criminal Revision Case has been filed against the order dated 22.11.2024 passed by the learned XIV Additional Special Judge for CBI Cases, Chennai in Crl.M.P.No.6291 of 2023 in C.C.No.3 of 2022, thereby dismissing the petition to discharge the petitioner from the charges under Section 109 of the IPC r/w Section 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988.

2. The case of the prosecution is that the first accused, while being a public servant, intentionally enriched himself illicitly during the period from 12.08.2015 to 07.04.2018 and he was in possession of assets and pecuniary resources disproportionate to his known sources of income to the tune of Rs.86,55,421/- in his name, in the name of his house maid/ A2 and his wife (A4). The value of the assets and pecuniary resources were disproportionate by 245.16% more than their known sources of income of Rs.35,20,444/- for which A1 could not satisfactorily account for. However the second accused, despite not having any major source of income has acted as benami of A1, as the latter had acquired properties in her name through the funds acquired from illicit enrichment. The petitioner/ A4, who is the wife of A1 also acquired two properties in her name through the ill gotten money of A1. The third accused acted as an agent for A1 and abetted the commission of the offence in parking of cash of Rs.12,92,000/- belonging to A1, which was seized from the official premises of A3. Further, A5



had entered into a criminal conspiracy with A1, in creation of fabricated anti-dated bills showing sale of jewellery belong to A1 to A5, to legitimize the source of seized cash of Rs.12,92,000/-, as the false bills were created after the recovery of the amount during the first search conducted on 07.04.2018 at the premises of A3. Further during the investigation of the instant case, searches were conducted again at the residential premises of A3 on 28.05.2019 and seized the above said anti-dated bills from his resident, thus proving that the said anti-dated bills were fabricated for the purpose of giving the same as false evidence in judicial proceedings.

3. On the final report, the Trial Court had taken cognizance in C.C.No.3 of 2022, while pending for framing of charges, the petitioner has filed discharge petition on the ground that, the petitioner has independent incomes by taking tuition and doing astrology activities and also the rental incomes yielded from her two properties situated at Chandigarh and Jaipur and accordingly, those incomes were clearly shown in the Income Tax Returns periodically. However, the prosecution failed to take into consideration of the rental income yielded from the Chandigarh property, incomes earned by taking tuition and astrology, as the income of the petitioner. If those incomes had been taken into account, no charge can be framed as against the petitioner. That apart during the check period, except these amounts, no immovable properties were acquired in the name of the petitioner.



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4. On perusal of the counter filed by the respondent and also perusal of the record, the petitioner is arrayed as A4 in this case, who is none other than the wife of A1. The crux of the allegations, as against the petitioner is that during the check period 12.08.2015 to 07.04.2018, the accused accumulated wealth to the tune of Rs.86,55,421/- and it is disproportionate to 245.16%, more than the known sources of income of Rs.35,20,444/-.

5. The specific contention of the petitioner is that the rental income yielded from her property situated at Chandigarh and the income earned by taking tuition and astrology activities were not taken into account, while calculating the disproportionate assets. The further contention of the petitioner is that, from the year 2018 onwards, she is an income tax assessee and disclosed her entire income, which was also duly accepted by the Income Tax Department, without any dispute. However, on perusal of the record, the petitioner had shown rental income earned from the Chandigarh property to the tune of Rs.5,65,320/- in her Income Tax Returns of the year 2015- 16, 2016-17 and 2017-18. She has also shown her tuition fees as well as astrology fees to the tune of Rs.2,75,850/- for the year 2015-16, Rs.2,43,648/- for the year 2016-17 and a sum of Rs.1,68,030/- for the year 2017-18 as income and paid the income tax.



6. Further, the prosecution has examined L.W.77, who is the Assistant Executive Engineer of the Electricity Department of Chandigarh had categorically stated that no electricity was consumed in the flat owned by the petitioner at Chandigarh, which denotes that no person is living in the said flat as tenant and during the check period, the said flat was locked. Therefore it shows that the petitioner has not received any rental income from the flat owned by her at Chandigarh. The statements of L.W.75 and L.W.76, who are the neighbors to the petitioner's flat situated at Chandigarh also stated that no tuition or astrology activities have taken place in the flat owned by the petitioner. Thus it is clear that the petitioner did not earn any income by taking tuition or astrology activities, as claimed by her and she did not earn any rental income from her property situated at Chandigarh. The statements of L.W.70 to L.W.74, who are the neighbors of the petitioner's property at Chandigarh, clearly shows that the petitioner did not taken any tuition class and astrology activities in her flat.

7. In view of the above, the income shown by the petitioner under the heads rental income, tuition fees and astrology activities are not acceptable. That apart, the documents relied upon by the petitioner in support of her discharge petition can only be tested before the Trial Court, at the time of trial by letting evidence, hence the Trial Court had rightly dismissed the petition for discharge, this Court finds no infirmity in the said order.



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8. Accordingly this criminal revision case is dismissed. The Trial Court is directed to frame the charges as against the petitioner and complete the trial, within a period of one year from the receipt of copy of this order. Consequently, connected criminal miscellaneous petition stands closed. No costs.

05-08-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Inspector Of Police,
CBI, ACB, Chennai.
2. The Public Prosecutor,
High Court of Madras.

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