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Crl.O.P.No.19246 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2026

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THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P.No.19246 of 2026
and Crl.M.P.Nos.12792 and 12791 of 2026

1.B.Sathiya Naarayanan

2.S.Jayachitra

... Petitioners/Accused Nos.1 and 2

vs.

The State Rep. by
The Deputy Superintendent of Police
V and AC, Chennai City – V
Chennai – 600 016
Cr.No.04/2023/AC/CC-IV

... Respondent

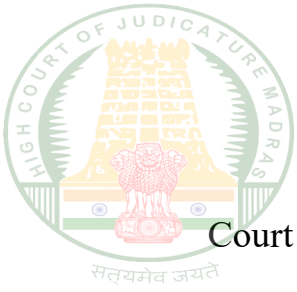
PRAYER:- Criminal Original Petition is filed under Section 528 of BNSS, to call for the entire records pertaining to the impugned order dated 11.02.2026 passed by the Principal Sessions Court, Chennai, in Spl.C.C.No.2 of 2026, now pending on the file of the Special Court No.1 for trial of cases related to M.P. and M.L.A of Tamil Nadu, Chennai and to set aside the same.

For Petitioners : Mr.Senthil.S

For Respondent : Mr.Arun Anbumani
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed challenging the Cognizance Order dated 11.02.2026, passed by the Principal Sessions Court, Chennai in Spl.CC.No.2 of 2026, now pending on the file of the Special



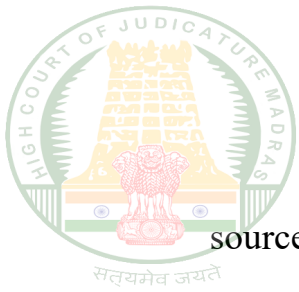
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Court No.1 for trial of cases related to M.P. and M.L.A of Tamil Nadu,
Chennai.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. Both the petitioners are arrayed as Accused Nos.1 and 2. They are husband and wife. Now, the 1st accused is charged for the offences punishable under Sections 13(2) read with 13(1)(e) of the Prevention of Corruption Act, 1988 and 13(2) read with 13(1)(b) of the Prevention of Corruption (Amended) Act, 2018 and the 2nd accused is charged for the offences punishable under Section 109 of IPC read with 13(2) read with 13(1)(e) of the Prevention of Corruption Act, 1988 and 12 read with 13(2) read with 13(1)(b) of the Prevention of Corruption (Amended) Act, 2018.

4. The case of the prosecution is that while the 1st accused was serving as the Member of the Legislative Assembly for the T.Nagar Assembly Constituency during the period from 13.05.2016 to 17.03.2021, was found to be in possession of properties and pecuniary resources in his own name and in the name of his family members allegedly worth about Rs.9,44,41,283/-, which were purportedly disproportionate to his known



sources of income. Further, the 1st accused failed to satisfactorily account for the same and thereby, committed the above offences. After completion of investigation, the respondent filed a final report and the same has been taken cognizance by the Trial Court. The order taking cognizance is under challenge in this criminal original petition.

5. The learned counsel appearing for the petitioners submits that the Trial Court has taken cognizance without even providing any opportunity of hearing to the petitioners as mandated under Section 223 (1) of the BNSS. Further, the order of cognizance is non-speaking and mechanically taking cognizance, without assigning any reasons.

6. In so far as first ground is concerned, the learned counsel appearing for the petitioners submits that it is not pressed since it is applicable only to private complaint and it is not applicable while taking cognizance in the police report. In so far as second ground is concerned, taking cognizance is a serious issue and the order must show due application of mind and examination of facts and evidence. It cannot be taken mechanically, without considering the individual role of the accused, the nature of allegations and whether the material on record discloses a *prima facie* case against the accused.



7. The learned Government Advocate (Criminal Side) appearing for the respondent submits that it is applicable for the other offence in so far as disproportionate assets case is concerned and the respondent filed a detailed final report and it is only arithmetic calculation of the value of the properties and the income of the accused, thereby it is excess to the tune of Rs.9,44,41,283/-. Therefore, the Trial Court need not go into the arithmetic calculation since the final report itself is self-explanatory. However, the Trial Court ought to have gone through the final report and must assign the reasons while taking cognizance.

8. In view of the above, the Cognizance Order dated 11.02.2026, passed by the Principal Session Court, Chennai in Spl.CC.No.2 of 2026, now pending on the file of the Special Court No.1 for trial of cases related to M.P. and M.L.A of Tamil Nadu, Chennai, cannot be sustained and liable to set aside.

9. Accordingly, the impugned Cognizance Order dated 11.02.2026, passed by the Principal Session Court, Chennai in Spl.CC.No.2 of 2026, now pending on the file of the Special Court No.1 for trial of cases related to M.P. and M.L.A of Tamil Nadu, Chennai, is set aside and the Criminal Original Petition is disposed of.



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10. However, it is a curable defect and as such, it is remanded back to the file of Special Court No.1 for Trial of Cases related to Member of Parliament and Members of Legislative Assembly of Tamil Nadu, Chennai and the said Court is directed to pass cognizance order by assigning reasons and proceed in accordance with law, within a period of one week from today. Consequently, the connected criminal miscellaneous petitions are closed.

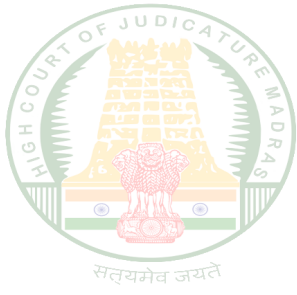
17.07.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
dm

Note: Issue order copy today.

To

- 1.The Special Court No.1 for trial of cases related to M.P. and M.L.A of Tamil Nadu, Chennai.
- 2.The Deputy Superintendent of Police
V and AC, Chennai City – V,
Chennai – 600 016
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K. ILANTHIRAIYAN, J.

dm

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