



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2017

CORAM:

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THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

CrI.R.C.(MD)No.682 of 2017

Subramanian

... Petitioner

Vs.

State represented by
The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Tirunelveli District.
(Crime No.8 of 2016)

... Respondent

PRAYER : The Petition filed under Section 397 r/w 401 of Cr.P.C. to call for the records relating to the order dated 21.06.2017 made in Cr.M.P.No.305 of 2017 on the file of Chief Judicial Magistrate, Special Judge (Full Additional Charge) Special Court for Trial for Cases under Prevention of Corruption Act, Tirunelveli and set aside the same and allow the Criminal Revision.

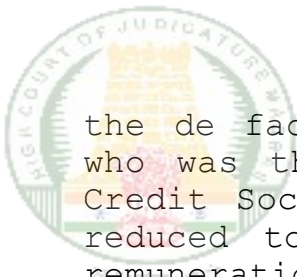
For Petitioner : Mr.V.Sasi Kumar

For Respondent : Mr.T.Mohan, Additional Public Prosecutor

ORDER

This Criminal Revision Case is filed to set aside the order dated 21.06.2017 in Cr.M.P.No.305 of 2017 passed by the Chief Judicial Magistrate, Special Judge (Full Additional Charge) Special Court for Trial for Cases under Prevention of Corruption Act, Tirunelveli.

2.The petitioner herein is arrayed as accused in Crime No.8 of 2016 was registered by the respondent Police on 10.11.2016. The de facto complainant namely, I.Ayyadurai, who is a former and also a member of Tirunelveli Special-150 Mettupatti Primary Agricultural Cooperative Credit Society, Ramanathapuram, Tirunelveli District, had borrowed a sum of Rs.60,000/- as agricultural loan by pledging his jewels in the said society on 05.12.2015 in order to cultivate sugarcane in his 2 acres of land situated at Ramanathapuram. The Government had waived in repaying the agricultural loan to the members of the Cooperative Credit Society and instructed the concerned Cooperative Department to return the jewels to the formers, which were pledged by way of an agricultural loan. Hence,



the de facto complainant had approached the petitioner / accused, who was the Secretary and also the head of the said Cooperative Credit Society, had demanded a sum of Rs.6,000/-, which was later reduced to Rs.5,000/- as illegal gratification other than legal remuneration for returning the said jewels.

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3. On the basis of the complaint given by the de facto complainant, a case was registered by the respondent Police and trap proceedings was conducted and accordingly, the officials of the respondent Police has seized the bribe amount from the petitioner herein in the presence of the witnesses and remanded the petitioner into judicial custody. At the time of conducting trap, the petitioner was having a sum of Rs.51,376 in his table drawer and the said amount was also seized by them, since the petitioner has not stated acceptable reason for the custody of the said amount and it was deposited in P.R.No.6 of 2016 before the Court concerned. The petitioner has filed a petition in Crl.M.P.No.305 of 2017 under Section 451 Cr.P.C. before the Chief Judicial Magistrate concerned for return of the amount of Rs.51,376/- to the petitioner herein. The said petition was heard and dismissed by the Chief Judicial Magistrate concerned in its order dated 21.06.2017. Aggrieved by the order of dismissal, the petitioner preferred the present revision for setting aside the order passed by the Chief Judicial Magistrate, Special Court for Trial for Cases under Prevention of Corruption Act, Tiruenlveli passed in Crl.M.P.No.305 of 2017 dated 21.06.2017.

4. The learned counsel for the revision petitioner would contend that the seized amount of Rs.51,376/- is his own money and hence, the same was kept in the table drawer for the purpose of depositing into his bank account. However, the officials of the respondent refused to accept the petitioner's explanation. He further submitted that in view of demonetization of Rs.1000/- and Rs.500/- the petitioner has proposed to deposit a sum of Rs.51,376/- into his bank account.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that at that time of trap of Rs.5,000/- from the petitioner herein, the seized amount of Rs.51,376/-, which is an unaccounted amount, obtained from the members of the said Society. He would also submit that at the time of trap proceedings, records were perused in which, 12 jewel pockets were found and the same have to be returned to the concerned parties after waiving as declared by the Government and the borrowers have also signed in the relevant register for receipt of the jewels. As the petitioner has not given proper explanation for the tainted amount of Rs.51,376/-, the same was seized as unaccounted money. Witnesses were also examined and investigation is still pending in this case. He would further contend that during investigation, the members of the said Credit Society have stated that the petitioner has demanded money for closing their agricultural jewel loan, which were waived by the



Government. Hence, there is no acceptable reason available for ordering return of cash of Rs.51,376/- to the petitioner herein.

6. Considering the facts and circumstances of the case and also the nature of seizure of the amount of Rs.51,376 as unaccountable and in possession of the petitioner at the time of trap proceedings in respect of Rs.5,000/- as bribe amount, this Court is not inclined to intervene with the order passed by the learned Chief Judicial Magistrate, Special Judge (Full Additional Charge) Special Court for Trial for Cases under Prevention of Corruption Act, Tirunelveli in CrI.M.P.No.305 of 2017 dated 21.06.2017. Accordingly, this Criminal Revision case stands dismissed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Judicial Magistrate,
Special Judge (Full Additional Charge)
Special Court for Trial for Cases under
Prevention of Corruption Act,
Tirunelveli.
 2. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Tirunelveli District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- + 1 CC TO Mr.V.SASIKUMAR, ADVOCATE IN SR No. 88369

NBJ
TE/RSK/SAR-3 : 11/12/2017 : 3P/5C

order made in
CrI.R.C. (MD) No.682 of 2017
17.11.2017