



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction

Thursday, the Twenty Fifth day of March Two Thousand Twenty One

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL A(MD). No.97 of 2020

X. Victor De Rose ... Appellant / Petitioner/ Convict

Vs

State Represented by
The Deputy Superintendent Of Police
Vigilance and Anticorruption Police Station
Tirunelveli
Tirunelveli District.
(Crime No.08/2002) ... Respondent/Respondent/Complainant

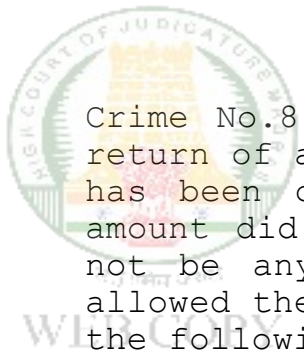
Prayer :-

This Criminal Appeal filed U/s 454 of Cr.P.C. Praying this Court, to call for records in Cr.M.P.No.12 of 2020 in Special Cae No.10 of 2014 on the file of the learned Specil Judge, Special Court for Trial of Cases Under Prevention of Corruption Act, Tirunelveli, tirunelveli District and set aside the order dated 13.01.2020

ORDER: -

This Criminal Appeal coming on for hearing on this day and upon perusing the appeal grounds and earlier Judgment, dated 02.12.2020 and upon hearing the submissions of Thiru. Mr.A.Ramesh, Senior Counsel for Mr.A.Thiruvadi Kumar, Advocate for the Appellant and of Mr.A.Robinson, Government Advocate (Crl Side), for the respondent, and in pursuance to the Judgment of this Court, dated 02.12.2020 made in Cr.A(MD) 97 of 2020, this Court made the Supplementary order as follows :

Crl.A(MD) No.97 of 2020 was allowed by me on 02.12.2020. The said appeal was directed against the order dated 13.01.2020, passed by the Special Court for trial of cases under Prevention of Corruption Act, Tirunelveli, dismissing the Cr.M.P.No.12 of 2020 in Special case No.10 of 2014. The appellant was facing prosecution in



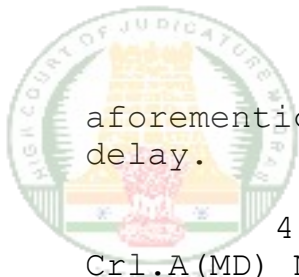
Crime No.8 of 2002 and the said application was filed for seeking return of all the articles, including cash seized from him. Since it has been categorically found by the trial Court that the seized amount did not form part of the illegal gratification, there could not be any objection for directing its return. Therefore, I had allowed the appeal on 02.12.2020. However, the appeal was allowed on the following terms:-

32.The appellant has also taken out an application for return of a sum of Rs.42,520/-, recovered from his residence. Since it has been shown that the said amount represents illegal gratification, the Court below ought to have returned the said amount to the appellant herein. The impugned order in Crl.a(MD) No.97 of 2020 stands set aside. Crl.A(MD) No.97 of 2020 stands allowed.

2.It is now stated by the learned counsel for the appellant that what was seized from the appellant was much more. It is stated that the following articles were seized from the petitioner's residence at Trichirappalli.

- 1) Cash of Rs.1,25,000/-
- 2) Fixed Deposit Receipt (Kishan Vikas for Rs.1000/- each) - 5 Nos.
- 3) National Saving Certificate Rs.1000/- - 2 Nos
- 4) National Saving Certificate Rs.5000/- - 1 No
- 5) National Saving Certificate Rs.10000/- - 2 Nos
- 6) Republic of India Passport
- 7) Canara Bank Trichy JN Deposit - Rs.75,000/-
(Name of Flory Fdo)
- 8) Canara Bank Trichy JN Deposit - Rs.67,569/-
(Name of Victor De Rose)
- 9) Canara Bank Trichy JN Deposit - Rs.56,307/-
(Name of Josphine Lordu De Rose)
- 10) Insurance Policy - Oriental Insurance for- Rs.1,00,000/-
- 11) LIC of India - Premium receipt for - Rs.890/-
- 12) Savings Bank Pass Book - Canara Bank, Trichy JN
(Victor De Rose)
- 13) Savings Bank Pass Book - Canara Bank, Trichy JN
(Flora Fdo)
- 14) Savings Bank Pass Book - Canara Bank, Trichy Railway
(Lordu De Rose)
- 15) Sale Deed in the name of Victor De Rose - Doc No.4838/89
- 16) Post office Savings Bank Pass Book
(Victor De Rose + Flory Fd)
- 17) File pertaining to Dharani Cements

3.The omission to mention other items was only a clerical omission and therefore, I am of the view that Section 362 will not come in a way. The trial Court is directed to return the



aforementioned items to the appellant immediately and without any delay.

4. Registry is directed to issue a supplementary order in Crl.A(MD) No.97 of 2020 forthwith.

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Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Special Judge
Special Court of Trial of Cases
under Prevention of Corruption Act
Tirunelveli, Tirunelveli District.
2. The Deputy Superintendent Of Police
Vigilance and Anticorruption Police Station
Tirunelveli, Tirunelveli District.

Copy to:

1. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai
2. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai (2c)

ORDER DATED : 25/03/2021

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ORDER
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CRL A(MD) . No.97 of 2020

Giving direction and etc.
as stated within.

KK(01.04.2021) 3P 6C