



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.10414 of 2021

IN CRL.A.No.240 of 2021

T.AL.TENAPPAN

[PETITIONER / APPELLANT
/ SINGLE ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
CITY SPECIAL UNIT-I,
CHENNAI-16
(CRIME NO.7/AC/2017/CC-I)

[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to return the petitioners cash of Rs.5,70,650/- which has been marked as M.O.6 to 38 and lying in the custody of the trial court in Spl.C.C.No.2 of 2019 on the file of the learned Chief Judicial Magistrate, Tiruvallur pending disposal of the appeal in C.A.No.240 of 2021 and thus render justice.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.P.M.DURAI SWAMY, Advocate for the Petitioner and of MR.C.E.PRATAP, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed seeking a direction to return the cash to the tune of Rs.5,70,650/-, which has been seized from the petitioner by the respondent police.



2. The case of the petitioner is that, the petitioner was working as Electrical Inspector, Ambattur Division, Energy Department, Tamil Nadu Electricity Board, Chennai. A F.I.R. in crime No.7/AC/2017/CC-I has been registered against the petitioner for the offence under Sec.7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act. During investigation, a sum of Rs.5,70,650/- was seized from the petitioner's residence. After trial, the above criminal case ended in conviction and the trial court had given liberty to the petitioner to file a petition for return of money subject to proof that the money is legally acquired by him. Now, the petitioner filed the present petition before this Court seeking for return of money.

3. Mr. C.E.Pratap, learned Government Advocate (Criminal Side), appearing for respondent, on instructions, would submit that, after registering the F.I.R. against the petitioner under Sec.7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, the investigation revealed that the petitioner had accumulated assets, which is disproportionate to his known source of income. Hence, another F.I.R. has been registered against the petitioner in Crime No.8/AC/2018/CC-I for an offence under Sec.13(2) r/w 13(1)(e) of Prevention of Corruption Act, now, the investigation is pending in the above case. Since money seized from the petitioner is subject matter of above investigation. The above said amount seized from the petitioner is part of the asset accumulated by the petitioner, which is disproportionate to his income. Now, the investigation is in progress, till the completion of investigation, the amount cannot be returned to the petitioner.

4. Mr.P.M.Duraiswamy, learned counsel appearing for petitioner would content that even though the F.I.R. was registered in the year 2018, so far, the investigation has not been conducted, no statement was recorded for more than three years, and no opportunity has been given to explain his source of income and the petitioner's money is kept with the respondent police without any valid reason.

5. Considering the facts that, the amount seized from the petitioner is subject matter in another Crime No.8/AC/2018/CC-I registered against the petitioner for an offence under Sec.13(2) r/w 13(1)(e) of Prevention of Corruption Act, I am of the view that till the investigation is completed, money seized from the petitioner cannot be returned to him. However, considering the fact that investigation is pending for more than three years, the respondent police is directed to proceed with the investigation and complete the same on or before 30.04.2022 and file the final report. After



completion of investigation, the petitioner is at liberty to seek for appropriate relief before the concerned forum. Accordingly, this Criminal Miscellaneous Petition is dismissed.

WEB COPY

-sd/-
20/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
CITY SPECIAL UNIT-I, CHENNAI-16

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.P.M.DURAI SWAMY Advocate on payment of necessary charges

Order

in
CRL MP.10414/2021
in
CRL A.240/2021

Date :20/12/2021

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JPA 22/12/2021