



Crl.R.C.(MD) No.795 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

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R.Purushothaman

... Revision Petitioner

Vs.

State through the Superintendent of Police,
SPE, Deputy Vigilance and Anti-Corruption Wing,
Madurai.

(In Crime No.5 of 2012)

... Respondent/Respondent

Prayer : This Criminal Revision has been filed under Sections 397 and 401 of Criminal Procedure Code, to call for the records and allow this Criminal Revision Petition, by setting aside the order passed in Crl.M.P.No.239 of 2022 dated 09.06.2022 on the file of the Special Court for trial of P.C. Act Cases, (FAC), Madurai.

For Petitioner : Mr.H.Mubarak Jan

For Respondent : Mr.S.Ravi

Additional Public Prosecutor



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ORDER

This Criminal Revision Case has been filed as against the dismissal order that has been passed by the Special Court for trial of P.C Act cases, (FAC), Madurai, in Crl.M.P.No.239 of 2022 dated 07.06.2022.

2. The learned counsel for the petitioner submitted that the petitioner is arrayed as fifth accused in Crime No.05 of 2012. He is a retired employee of TAMIN and during his tenure, a search and Seizure Operation was conducted in his residence on 15.09.2012 in connection with Crime No.5 of 2012 and 64 documents have been seized. Thereafter, the departmental proceedings has been initiated against the petitioner and the same was revoked and dropped by the proceedings dated 31.05.2021.

3. He would further submit that he purchased the immovable property in Plot No.57, Survey No.67/1 and 67/5 Annai Meenatchi Nagar Layout in Vandalur Taluk, Chengalpet District. On verification of EC, it was found that one Kannan, purchased said property from one Purushothaman fraudulently, so he has filed a complaint before the Inspector General of Registration. In that complaint, he was directed to produce the original sale deed documents Nos.98/1987 and 102/1987 for the purpose of enquiry. Since the above said documents have been seized by



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the respondents, the petitioner has filed a petition in Crl.M.P.No.239 of 2020 on file of the Special Court for Trial of P.C. Act Cases, (FAC), Madurai, seeking return of the document and the same was dismissed on 09.07.2022, on the ground that there is no prohibition to the enquiry officer for seizing and recovering the documents related to the immovable property. The grievances of the petitioner is that for the limited purpose to produce the originals sale deeds documents before the Inspector General of Registration in connection with Crime No.5 of 2012, that petition was filed and without considering the same, the trial Court dismissed the petition. Challenging the same, the present Criminal Revision Case has been filed.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there is no documentary evidence to prove the allegation against this petitioner, the documents mentioned in the revision are also not relevant to the allegation against the petitioner and others.

5.Considering the facts and the circumstance of this case, the order passed in Crl.M.P.No.239 of 2022 dated 09.06.2022 on the file of the Special Court for trial of P.C. Act Cases, (FAC), Madurai, is set aside. The learned Judge, Special Court for trial of P.C. Act Cases, (FAC), Madurai is directed to return the 64



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documents including documents Nos. 98 and 102 of 1987 to the petitioner after substituting the same with due certified copies and the petitioner must also file an undertaking in the form of affidavit that he will produce the documents before the concerned Court as and when required, he will not encumber the same without proper permission from the concerned Court.

6. With the above directions, this Criminal Revision Case is allowed. After passing order, the learned counsel for the petitioner submitted that in respect of some other documents he has also filed a petition before the concerned Court and the same is still pending, in that regard, the learned counsel for the petitioner can workout his remedy before the concerned Court, since this is not the subject matter of revision.

26.09.2022

Index : Yes/No
Internet : Yes/No
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To:-

1. The Superintendent of Police,
SPE, Deputy Vigilance and Anti-Corruption Wing,
Madurai.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER MADE IN
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