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Crl.RC. No.1412 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2023

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

Crl.R.C. No.1412 of 2023

Tmt.Senthil Jothi

.. Petitioner

Vs.

The Inspector of Police,
Department of Vigilance and Anti-Corruption,
Coimbatore.

..Respondent

PRAYER : Criminal Revision Petition has been filed under section 397 r/w.401 of Criminal Procedure Code to set aside the impugned order dated 13.06.2023 in Crl.M.P. No.347 of 2023 in Cr.No.5 of 2022/AC/CB on the file of the Special Judge for cases under the Prevention of Corruption Act at Coimbatore.

For Petitioner : Ms.L.Lakshmi Swaroopa

For Respondent :Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

The residence of the petitioner was searched by the Inspector of DV & AC pursuant to the case registered in Crime No.5/2022/AC/CB under Sections 120B of IPC & 13(2) r/w 13(1) (e) of the Prevention of Corruption Act, 1988 and U/s.13(2) r/w 13(1) (b) of the Prevention of



Corruption Act, 1988 as amended in 2018. Several valuable properties recovered under mahazar and presently submitted before the Court. The prime accused in this case is one Mr.S.P.Velumani, Former Minister of the Municipal Administration, Rural Development, Corporation and Panchayat Unions, Poverty Alleviation, Implementation of Social Programme. He is also presently a member of Legislative Assembly.

2. The petitioner is the wife of one Mr.Saravanakumar, S/o.Ammasi Gounder, working as Superintending Engineer, Rural Development & Panchayat Raj Department, Government of Tamil Nadu. On 06.05.2022, the petitioner's house was searched by the respondent and locker key bearing No.9 and the locker No.621, State Bank of India, NRI Branch, Salem was recovered. The Inventory of the locker key has led to seizure of several incriminating material including gold jewels around 125 sovereigns, 24 title documents of immovable properties and 3 deposits each for Rs.10 lakhs which belongs to the petitioner as well as her husband Mr.Saravanakumar, who is a public servant.

3. The petitioner had filed application under Sections 451 and 457 of Cr.P.C before the trial Court (Special Court for cases under Prevention of Corruption Act, 1988, Coimbatore) for return of articles seized from



the locker. The petition was strongly objected by the prosecution and the same was accepted by the trial Court and dismissed on the ground that if the locker key is returned to the petitioner there is a chance for alienating or altering the same. The Crime number under which the locker key produced before Court is registered under the Prevention of Corruption Act and the property seized can be attached at any time as per the Criminal Law Amendment Ordinance, 1944. The present Revision Petition is filed challenging the order of dismissal.

4. The learned counsel appearing for the petitioner states that neither the petitioner nor her husband are accused in this case. No statement was recorded from them till date. They are unconnected to the crime investigated. The property which is found in the locker were possessed by them lawfully and properly accounted. The petitioner is a self-employed Academician running academic centres under the name of 'Athiyaman Vasagar Vattam'. The jewels and other articles kept in the locker are gifts received by the petitioner during her marriage.

5. The learned Government Advocate (Crl.Side) per contra, submitted that the husband of the petitioner is closely associated with the prime accused. The search of the house has led to the recovery of the



locker key and further disclosure of huge valuables like jewels and documents which requires in depth investigation. If the property is returned, the same will be screened of by the petitioner and her husband who is a public servant.

6. Till date there is no material placed before this Court that the petitioner or the properties as well as the documents recovered from the locker key bearing No.9 and locker No.621 has any connection with the case which is under investigation. In such circumstances, the properties apparently belongs to the petitioner and her husband kept in the locker cannot be prevented from being used by the petitioner.

7. The husband of the petitioner has also filed an affidavit dated 19.08.2023 stating that he has no objection for delivering the keys of the said locker to his wife, the petitioner herein. This Court being satisfied that for the past one and half years without any investigation, the petitioner is prevented from operating the locker. At the same time, this Court is also aware of the fact that the case of these nature may requires deep investigation to trace the trail of the source and may required reasonable time to complete the investigation.

8. In such circumstances, this Court is of the opinion that the



temporary custody of the property inventorised during the search proceedings of the petitioner house and locker may be given to the petitioner on an undertaking that the identity of the property will not be altered or the assets will not be subjected to any encumbrance. The said order is without prejudice to any investigation conducted or to be conducted by the DV&AC in respect of the subject property and documents found in the locker whether in connection with the case already registered or with any case to be registered. The undertaking affidavit shall be executed by the petitioner and her husband. The petitioner and her husband shall execute bond for Rs.50,000/- which shall stand forfeited, if they breach this undertaking.

9. In the result, this Revision Petition is disposed with the above directions.

01.09.2023

Internet : Yes/No

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Dr.G.JAYACHANDRAN, J.

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To

1. The Special Judge for cases under
the Prevention of Corruption Act at Coimbatore
2. The Inspector of Police,
Department of Vigilance and Anti-Corruption,
Coimbatore.
3. The Public Prosecutor,
High Court of Madras, Chennai.

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