



Crl.R.C(MD)No.1228 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 28.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Rajan

.. Petitioner/Petitioner

Vs.

1.Prabhakaran
working as
Assistant Commissioner(Revenue),
Office of the City Corporation,
Tiruchirappalli.

2.Thenmozhi

.. Respondents/ Respondents

3.The Director,
Directorate of Vigilance and Anti-corruption,
Chennai.

4.The Commissioner of Municipal Administration,
M.R.C.Nagar,
Chennai.

.. Respondents

(R3 is *suo motu* impleaded as per the order
of this Court dated 12.12.2022 by GIJ)

(R4 is *suo motu* impleaded as per the order
of this Court dated 03.02.2023 by GIJ)

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the
Criminal Procedure Code, to call for the records relating to the impugned



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order dated 07.11.2022 passed in unfiled Special Case2022 on the file of the Special Court for trial of Cases under the Prevention of Corruption Act, Tiruchirappalli.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor
For R3

ORDER

This revision has been filed against the impugned order dated 07.11.2022 passed in unfiled Special Case2022 on the file of the Special Court for trial of Cases under the Prevention of Corruption Act, Tiruchirappalli.

2. The petitioner made a complaint to the official respondents alleging that the first respondent herein is working as the Assistant Commissioner(Revenue), Trichy City Corporation, Trichy, being corrupt purchased a two storied RCC House building to an extent of 325 sq. ft and 635 sq. ft. The first respondent specifically averred that he purchased the house in his wife's name/2nd respondent herein. But, according to the petitioner, his wife is a housewife. So, he made a compliant to various



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authorities including the Director of Vigilance and Anticorruption, Chennai.

Thereafter, he filed a writ petition in W.P(MD)No.18889 of 2021. The said writ petition was disposed with a direction to approach the petitioner to work out his remedy before the appropriate forum. Even in the writ petition, this Court specifically find that the allegation is false one inspite of that the petitioner filed another petition before the Special Court under Section 156 to take action against the respondents 1&2 herein. The learned Special Judge dismissed the application holding that it is not appropriate forum and hence, there is no *prima facie* case made out.

3. The learned Additional Public Prosecutor, on instructions, submitted that the inquiry is made and the enquiry reveals that the second respondent is doing some small scale industries business and she is an income tax assessee and she has purchased the above said property by obtaining a loan from the Oriental Bank of Commerce, Thillai Nagar Branch, Trichy. In this regard, he filed a status report before this Court.



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9) It is respectfully submitted that in this regard the Commissioner, Tiruchirappalli City Corporation has given a letter, dated 13.03.2023 in Na.Ka.No.534/2021/C3/Centre in which stated that the respondent-1 has purchased a RCC House Building to an extent surface area of 325 square feet and 635 Sq.ft. at the cost of Rs.29,00,000/- in name of respondent-1's wife Tmt.Thenmozhi, which was registered in Sub-Registry, Woraiyur as Doc.No.3067/2019, dated:15.05.2019. Also in that letter stated that respondent-1's wife Tmt.Thenmozhi is doing small scale business, Income Tax payer and she has got the Housing Loan of Rs.26,00,000/- from the Ms ORIENTAL BANK OF COMMERCE, Thillai Nagar Branch, Trichy and met out the purchase amount as per her own source. In that transaction, the respondent-1 has intimated through his letter dated 04.04.2019 to his employer.

10) It is respectfully submitted that on 29.03.2023, this Honorable High Court has been directed the 3rd respondent to file a report on the character of Petitioner.

It is respectfully submitted that I have made an enquiry discretely, this enquiry reveals that the petitioner Tr.A.Rajan is functioning in the name of All India Public Rights Protection Organization, he is having friendship with one Tr.Sethuraman, who is retired employee(Driver) of Tiruchirappalli City Corporation. Earlier, he said Tr.Sethuraman was served under the control of Respon-1 Tr.Prabhakaran, A.C.(Revenue). When Said Tr.Sethuraman was serving under respondent-1, a wordy quarrel arisen between them with regard

to the indiscipline attitude of Tr.Sethuraman, afterwards on 28.02.2019, Tr.Sethuraman was retired from service. With the friendship support of Tr.A.Rajan(Petitioner) and with enmity mind, Tr.Sethuraman making petition against the Respondent-1 Tr.Prabhakaran with flimsy allegations against him through the petitioner. Also it is came to know that the petitioner has no valid Good public intension to file this petition.



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4. In view of the above said submission, it is clear that the second respondent, wife of first respondent is independently running small scale industry and she is an income tax assessee and the first respondent has purchased the above property in her name by obtaining loan from the Oriental Bank of Commerce, Thillainagar Branch, hence, the allegation that the first respondent amassed wealth is not correct and hence, this Court finds no merits in this revision petition.

5. Hence, recording the above said statement made by the learned Additional Public Prosecutor and the status report filed by him, this Criminal Revision Petition is dismissed.

28.07.2023

Index :Yes/No
Internet :Yes/No
PJJ

To

1. The Director,
Directorate of Vigilance and Anti-corruption,
Chennai.



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

3. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

PJL

**Order made in
Crl.R.C(MD)No.1228 of 2022**

28.07.2023