



Crl.R.C.No. 310 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 01.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

Crl.R.C.No. 310 of 2025  
and Crl.M.P.Nos.2880 & 2883 of 2025

1. M.Meenatchi Sundaram

2. E.Jagnathan

... Petitioners

Vs

State rep. by its  
The Inspector of Police,  
Vigilance & Anti-Corruption,  
City Special Unit – III, Alandur,  
Chennai - 16.  
Crime No.06/AC/2019/KM

... Respondent

**Prayer:** Criminal Revision Case filed under Section 438 and 442 of BNSS, 2023, to call for the entire records and set-aside the order dated 11.11.2024 passed in Crl.M.P.No.2926 of 2024 in Spl.C.No.14 of 2022 made by the learned Special Judge/Chief Judicial Magistrate at Chengalpet.

For Petitioners : Mr.M.Vimal Bobby Crimson

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



Crl.R.C.No. 310 of 2025

WEB COPY

## **ORDER**

This Criminal Revision Case is filed against the order dated 11.11.2024 made in Crl.M.P. No. 2926 of 2024 in Special C. No.14 of 2022 on the file of the Special Judge / Chief Judicial Magistrate, Chengalpattu.

2. By the said order, the application filed by the petitioner to discharge them from the case was dismissed by the Trial Court.

3. Heard the learned counsel appearing on behalf of the petitioner. The learned counsel, taking this Court through the impugned order, the First Information Report and the final report filed, would submit that the entire genesis of the case is with reference to the suicide of one *Nellaiyappan*. The said Nellaiyappan was allegedly running an illegal bar and during the course of investigation, committed suicide after recording a video and giving a dying declaration. Based on this, the present FIR in Crime No.6/AC/2019 was registered. Even in the FIR as well as in the entire transcript of the videos uploaded by the deceased, the names of these two petitioners, who were working only as Head Constables, were not mentioned. The entire allegations were made only against higher officials for their alleged complicity in the



Crl.R.C.No. 310 of 2025

WEB COPY

running of illegal bars and collecting huge sums as bribes. In this background, after investigation, while some of the officers specifically named by the deceased in his video and dying declaration were left out, the petitioners lower-ranking officials were added as accused. There is absolutely no material whatsoever against these petitioners, who, being Head Constables, could not have permitted the running of an illegal bar. The learned counsel submitted that the only material placed along with the final report is the statements of LW26 to LW28, who themselves are individuals involved in running illegal bars. To rely upon the statements of such persons to prosecute the petitioners would be absolutely unsafe and their statements should not have been taken into account by the Trial Court.

4. For all the above reasons, the learned counsel submits that the petitioners are entitled to be discharged from the case.

5. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent would submit that though the genesis of the case arose in a different context, upon further information, the First Information Report was registered and the case was duly investigated. The final report was filed against those whom the prosecution has found material to prosecute.



CrI.R.C.No. 310 of 2025

WEB COPY 6. As far as the petitioners are concerned, it can be seen that LW26 to LW28 have categorically stated that the petitioners had collected bribe amounts from specific individuals. Therefore, there is *prima facie* material to proceed against the petitioners and the Trial Court rightly dismissed the discharge application.

7. I have considered the rival submissions on both sides and perused the material records of the case.

8. It may be true that the names of the petitioners were not mentioned in the video uploaded by the deceased *Nellaiyappan*, nor they were named in his dying declaration. However, after registration of Crime No. 6/AC/2019 and investigation, the final report was filed. At the stage of considering the discharge, the only question that has to be taken into consideration is that whether there is *prima facie* material to proceed further by framing charges against the petitioners.

9. The contention of the petitioners with reference to the statements of LW26 to LW28 is in the realm of appreciation of evidence, which the Trial



Crl.R.C.No. 310 of 2025

Court will not to undertake at the stage of discharge. How far the weightage can be given to their evidence and whether their evidence is trustworthy or not are all matters of trial and is not a relevant consideration to decide the discharge application.

10. *Prima facie*, the statements of the listed witnesses indicate that the petitioners have demanded and received bribe amounts, even allegedly handing them over to higher officials who are also accused in this case. I am, therefore, of the view that the decision of the Trial Court in dismissing the discharge application cannot be interfered with.

11. At this stage, the learned counsel for the petitioners seeks an order dispensing with their personal appearance before the Trial Court.

12. Considering the overall facts and circumstances of the case, I am of the view that, except for necessary hearings such as framing of charges, questioning or such other hearings as the Trial Court may insist upon, the personal appearance of the petitioners can be dispensed with.



Crl.R.C.No. 310 of 2025

**WEB COPY** 13. Accordingly, this Criminal Revision Case is disposed of on the following terms:-

(i) The order of the Special Judge/Chief Judicial Magistrate, Chengalpattu made in Criminal M.P. No. 2926 of 2024 in Spl.C.No. 14 of 2022, dated 11.11.2024 is confirmed.

(ii) The personal appearance of the petitioners in Spl.C.No.14 of 2022 is dispensed with, except for necessary hearings such as framing of charges, questioning or such other hearings as the Trial Court may insist upon

(iii) Consequently, the connected miscellaneous petitions in Crl.M.P.No.2883 of 2025 is ordered and Crl.M.P.No. 2880 of 2025 is closed.

01.08.2025

Neutral Citation: Yes/No  
nsl

To

1.The Inspector of Police,  
Vigilance & Anti-Corruption,  
City Special Unit – III, Alandur,  
Chennai - 16.

2. The Special Judge / Chief Judicial Magistrate, Chengalpattu

3. The Public Prosecutor, High Court, Madras.

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CrI.R.C.No. 310 of 2025

**D.BHARATHA CHAKRAVARTHY, J.**

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CrI.R.C.No. 310 of 2025

01.08.2025