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Crl.R.C.Nos.309 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.Nos.309 of 2025

M.Anbuchezhian

... Petitioner

Vs.

The State,
Represented by
The Deputy Superintendent of Police,
Special Investigation Cell,
Vigilance and Anti Corruption,
Chennai - 16.

... Respondent

PRAYER: Criminal Revision Case filed under Sections 438 & 442 of BNSS, to set aside the order passed by the learned Special Judge, Special Court for the Cases under Prevention of Corruption Act, Chennai in Crl.M.P.No.420 of 2024 dated 10.12.2024 in C.C.No.8 of 2023 and issue suitable direction to furnish the documents as well as the legible copies of the documents relied upon by the prosecution, which were mentioned in the petition.



Crl.R.C.Nos.309 of 2025

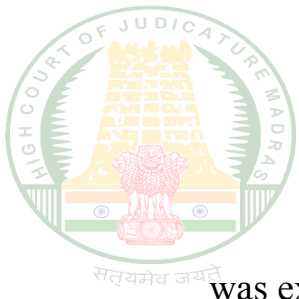
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For Petitioner : Mr.A.Nagarajan
For Respondent : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

The petitioner / accused in C.C.No.8 of 2023 who is facing trial for offences under Section 13(2) r/w.13(1)(e) of the Prevention of Corruption Act, 1988 and under Section 109 of IPC had filed a petition before the trial Court under Section 207 of Cr.P.C in Crl.M.P.No.420 of 2024 seeking for certain documents on the ground of non-supply of legible copies and the trial Court, by order dated 10.12.2024 dismissed the same, against which, the present revision has been filed.

2. The contention of the petitioner is that the petitioner is facing trial along with five others. The petitioner is facing trial for charge of disproportionate assets. In the case of disproportionate assets, the petitioner



CrI.R.C.Nos.309 of 2025

WEB COPY

was explained what are the properties which are being projected against him and he has to give explanation for acquiring the properties for which, he needs the details of the properties which are relied by the prosecution. In this case the prosecution though stated that they listed the documents, which are not legible. Hence, he filed the petition before the trial Court, but the trial Court had arrived at a technical stand that the accused had acknowledged of receiving the documents under Section 207 of Cr.P.C and hence, the petition cannot be entertained. The delay of documents would very well give fundamental rights of defence, hence, he filed a petition. The further contention of the petitioner is that he had given a list seeking documents in Document Nos.12, 24,25, 27, 28, 29, 45, 52, 53, 54 & 55 and the same is scanned and reproduced hereunder:



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The petitioner submits that on proper perusal of the Charge Sheet, the petitioner find that the below mentioned documents relied upon by the respondent were furnished to him with missing pages and some of the documents are illegible and not readable the details of the documents are as follows:

D.No.	Description	Total No. of Sheets in the charge sheet	No. of sheets given to the accused	Not furnished	Illegible & not readable
12	Letter of Branch Manager, HDFC Bank, Shanthi Colony Branch dated 01.10.2020 alongwith A1 & A2's Statement of Account	58 Sheets	39 Sheets	Remaining Sheets are not furnished	Illegible & not readable
24	Letter of the Sub-Registrar, SRO, Periamet vide Letter No. 140/2022 dated 01.04.2022 alongwith copy of D.No. 197/2002 and the related EC	43 Sheets			Page Nos. 2 to 37 Illegible & not readable
25	Letter of the Sub-Registrar, Redhills vide No.109/2021 dated 12.04.2021 alongwith certified copy of D.No. 7039/2012 and upto date EC, Certified copy of D.No. 8984/2013 and upto date EC and certified copy of GP D.No.4896/2015 and upto date EC	30 Sheets			Page Nos. 2 to 22 Illegible & not readable

S. Jeyaraj
(6052/20)



CrI.R.C.Nos.309 of 2025

WEB COPY

27	Letter of the Sub-Registrar, Joint 2 Sub Registry, Chengalpattu Vide No. 473/2020 dated 02.09.2020 alongwith copy of D.No. 6355/2013 and EC	14 Sheets			Page Nos. 2 to 12 Illegible & not readable
28	Letter of the Legal Consultant to Evita Constructions Pvt. Ltd., dated 09.12.2020 alongwith other documents.	64 Sheets			Page Nos. 1 to 13, 16, 20,21, 31 to 34 Illegible & not readable
29	Letter of the Sub-Registrar, Velachery, vide No. 67/2020 dated 01.09.2020 alongwith copy of D.No. 1181/2012	20 Sheets			Page Nos. 2 to 2 Illegible & not readable
45	Letter of the Branch Manager, SBI, Periamet Branch dated 23.09.2020 alongwith Statement of Account Mr.G.Karunakaran	196 Sheets	62 sheets	Remaining Sheets are not furnished	
52	Original Letter of the Income Tax Officer, Non-Corporation Ward 4 (6), Chennai vide No. Misc/NCW 4 (6)/2020-2021 dated 30.09.2020 alongwith IT Returns of A1 for the AY from 2010-11 to 2020-21	58 Sheets	36 Sheets	Income Tax Returns for the AY 2018-2019 2019-2020 2020-2021 are not furnished	



53	Original Letter of the Income Tax Officer, Non-Corporation Ward 10 (3), Chennai vide No. ITO/NCW-10(1)/2020-21 dated 18.11.2020 alongwith IT Returns of A2 for the AY from 2013-14 to 2019-20	143 Sheets	Sheet No.2 to 51 are not furnished (Income Tax Returns for the AY 2013-2014 2018-2019 are not furnished)
54	Original Letter of the Income Tax Officer, Non-Corporation Ward 1 (8), Madurai, vide No. RTI/NCW1(8)/MDU/2019-20 dated 25.09.2020 alongwith IT Returns of A3 from the AY from 2012-13 to 2019-20.	123 Sheets	Income Tax Returns for the AY 2018-2019 2019-2020 are not furnished)
55	Original Letter of the Income Tax Officer, Non-Corporation Ward 9 (1) Chennai vide F.No. NCW9(1)/VIGILANCE/2020-21 dated 17.11.2020 alongwith IT Returns of A5 for the AY from 2010-11 to 2012-13, 2014-15 to 2019-20 and IT Returns of A4 for the AY from 2010-11 to 2019-20.	333 Sheets	Income Tax Returns of Smt.Savithri for the AY 2013-2014 2018-2019 2019-2020 & Income Tax Returns of G.Karunakaran for the AY 2018-2019 2019-2020 are not furnished



Crl.R.C.Nos.309 of 2025

WEB COPY

3. The learned Government Advocate (Crl.Side) appearing for the

respondent submitted that all the documents mentioned in the petition were already served to the petitioner / accused under Section 207 of Cr.P.C on 15.11.2023, whereas the petitioner accused has filed the petition just to drag on the proceedings. The statement of the account mentioned in Document No.12 is the savings bank account maintained in HDFC Bank, Anna Nagar Branch, Chennai in the name of Tmt.Vijaya Anbucchezian (A2) in which the petitioner herein is a Joint Account Holder. Document No.45 is the statement of account maintained in State Bank of India, Periamet Branch, Chennai in the name of G.Karunakaran (father in law of A4). Document Nos.53, 54 & 55 are the attested copies of the income tax returns filed by Vijaya (A2), Sironmani (A3), Karunakaran (father in law of A4) and Savithri (mother in law of A5). These are the documents filed by the petitioner's family members before the income tax authorities and the original of these documents are in possession with them. Likewise, Document No.63, is the original letter received from the General Manager of Cosmopolitan Club with regard to the payment made by Vijaya (A2) and



Crl.R.C.Nos.309 of 2025

WEB COPY

the original of which is available with her, who is the wife of the petitioner (A1). Hence seeking all these documents once again under Section 207 Cr.P.C would not be proper.

4. The learned Government Advocate (Crl.Side) would further submit that he does not want to stand on technicality and the respondent is ready to serve the copies of documents which are sought by the petitioner and without any delay, the petitioner can collect the same and co-operate with the trial. He further submitted that he handed over all the documents except the income tax returns of Savithiri for the assessment year 2013-14 which according to the prosecution that the said Savithiri had not filed the returns before the income tax authority and there is no income tax returns available.

5. The learned counsel for the petitioner submitted that he will not be the reason for any delay in receiving the documents.



Crl.R.C.Nos.309 of 2025

WEB COPY

6. Considering the submissions made, this Court directs the respondent to serve copies of the documents sought for by the petitioner without delay and the petitioner is directed to receive the same and co-operate with the trial. The Trial Court to hand over the documents sought for by the petitioner.

7. This Criminal Revision Case is disposed of.

27.02.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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To

1. The Deputy Superintendent of Police,
Special Investigation Cell,
Vigilance and Anti Corruption,
Chennai - 16.
2. The Public Prosecutor,
Madras High Court.



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Crl.R.C.Nos.309 of 2025

M.NIRMAL KUMAR, J.

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Crl.R.C.Nos.309 of 2025

27.02.2025