



Crl.R.C.No.334 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.334 of 2025

and

CrI.M.P.No.3233 of 2025

V.Pitchai

... Petitioners/Accused

Versus

The State of Tamil Nadu,
Rep by the Inspector of Police,
Vigilance and Anti-Corruption,
Chennai - 28.

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 438 r/w 442 of BNSS, praying to set aside the order passed by the learned Special Judge for trial of PC Act, Chennai, dated 14.02.2025 made in CrI.M.P.No.752 of 2024 in C.C.No.102 of 2011 and allow this petition.

For Petitioners : Mr.S.Karthikeyan

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

ORDER

The petitioner/Accused, who is facing trial in C.C.No.102 of 2011 for offences under Sections 13(2) r/w 13(1)(e) of the Prevention of Corruption



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Act, had filed a petition in Crl.M.P.No.752 of 2024 seeking return of Original Sale Deed No.1289 dated 06.11.1992 stands in the name of M.Pandiammal, W/o.Pitchai, the petitioner herein. The trial Court, by an order dated 14.02.2025, dismissed the petition for the reason that the document does not stand in the name of the petitioner and the petitioner has no *locus standi* to file this petition. Aggrieved by the said order, the present revision is filed.

2.The contention of the petitioner is that the respondent registered a case in Crime No.13 of 2001. During investigation 43 documents seized by the respondent, of which, Item/Serial No.38 in the search list pertains to Original Sale Deed No.1289, dated 06.11.1992, which was seized from the petitioner's residence. On conclusion of the investigation, charge sheet filed against the petitioner and the petitioner is facing trial. This document is not a relied upon document and does not form part of the charge. Hence, the petitioner sought for return of said document. He further submitted that earlier the petitioner filed a petition seeking return of documents, which were seized from the petitioner's possession and are not relied upon by the prosecution. This petition was not numbered and assigned S.R.No.769 of



2024, against which, the petitioner preferred Crl.O.P.No.31437 of 2024 before this Court. This Court, during adjudication directed the respondent to produce the documents, which are available with them along with the search list. Accordingly, 37 documents were handed over by the prosecution to the petitioner before the Court. Recording the same, Crl.O.P.No.31437 of 2024 was disposed by this Court on 21.12.2024. Thereafter, the present petition for Item/Serial No.38 filed, which was not entertained.

3.The learned Government Advocate (Crl. Side) submitted that Original Sale Deed No.1289, dated 06.11.1992, which was shown as Item/Serial No.38 in the search list, seized from the petitioner's residence and it was not a relied upon document by the prosecution. Earlier, the petitioner filed a petition under Section 91 of Cr.P.C. in Crl.M.P.No.661 of 2020 seeking production of Original Sale Deed No.1289, dated 06.11.1992, which is in Item/Serial No.38 of the search list. The trial Court, by order dated 04.05.2021, allowed the petition directing the respondent to produce the document. Hence, the said Original Sale Deed No.1289, dated 06.11.1992 in favour of M.Pandiammal, W/o.Pitchai (Pages 1 to 14), produced before the trial Court and now the document is in the custody of the trial Court. The



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respondent has got no objection for returning the document. Since it is not a relied upon document, and it was submitted to the trial Court but the trial Court had taken a different view.

4.Considering the submissions made and on perusal of the material, it is seen that the reason given by the trial Court that the petitioner has got no *locus* is not proper. It is not in dispute that Original Sale Deed No.1289, dated 06.11.1992 was seized from the petitioner's residence on the date of search and it is in Item/Serial No.38 of the search list. A copy of the search list has been given to the petitioner and this document is not a relied upon document and does not form part of the charge. The trial Court is not deciding the title of the document and there is no rival claim to the document and it is also not in dispute that Pandiammal is the wife of petitioner.

5.In view of the same, the impugned order passed in Crl.M.P.No.752 of 2024 in C.C.No.102 of 2011 dated 14.02.2025 by the learned Special Judge, Special Court for the Cases under PC Act, Chennai, is set aside. The trial Court is directed to hand over the Original Sale Deed No.1289, dated 06.11.1992 (Item/Serial No.38 of the search list) to the petitioner without further delay.



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6. With the above observations and direction, this Criminal Revision Case is allowed. Consequently, the connected Criminal Miscellaneous Petition is closed.

25.02.2025

Index : Yes/No
Neutral citation: Yes/No
Speaking order/Non-speaking order
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Note: Registry is directed to issue order copy on 27.02.2025.

To

1. The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai - 28.
2. The Special Judge,
Special Court for the Cases under PC Act,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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