



Crl.R.C.No.442 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

**Crl.R.C.No.442 of 2025**

**and**

**Crl.M.P.No.5092 of 2025**

V.G.Jayakumar

... Petitioner /A1

Vs.

State Rep. by

The Inspector of Police,

Vigilance and Anti-corruption,

Chennai.

(Cr.No.1/AC/2015/SIC)

... Respondent

PRAYER: Criminal Revision Petition has been filed under Sections 438 r/w 442 of BNSS, praying to call for the records relating to the order made in Crl.M.P.No.15 of 2025 in C.C.No.3 of 2016 dated 28.02.2025 on the file of the Special Court for the cases under Prevention of Corruption Act, Chennai and set aside the same.

For Petitioner : Mr.K.Prem Kumar  
for Mr.G.Sathiaraj

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



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## **ORDER**

The petitioner/A1, who is facing trial along with another person in C.C.No.3 of 2016 for offences under Sections 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988, had filed a petition under Section 243 of Cr.P.C. seeking to permit the petitioner to examine 10 witnesses as defence witnesses. The trial Court, by the order dated 28.02.2025, dismissed the above petition, against which, the present revision is filed.

2.The case projected against the petitioner is that the petitioner, who was working as Field Surveyor in Perambur Tahsildar Office between 11.07.2014 to 12.01.2015, demanded bribe amount from the de-facto complainant/Shaik Moinuddin, S/o.Shaik Shirajuddin, No.42/21, Mannarsamy Street, Puliyanthoppu, Chennai-12 for issuance of patta. The de-facto complainant submitted an application with the Tahsildar office, Perambur on 26.09.2014 to get patta for his residence and to avail bank loan.



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Pursuant to the same, the de-facto complainant approached the petitioner on 23.12.2014 at the Tahsildar Office. At that time, the petitioner said to have demanded Rs.8,000/- from the de-facto complainant as bribe amount and later it was reduced to Rs.7,000/- and on 12.01.2015 trap was laid and proved successfully. On completion of investigation, charge sheet filed listing 17 witnesses and documents. Now the trial has reached final stage, prosecution witnesses completed and the petitioner entered into defence and filed a petition under Section 243 of Cr.P.C. seeking for summoning 10 witnesses to be examined on his side as defence witness to prove the fact that the de-facto complainant fabricated a false complaint, the TLO not conducted proper verification and the official witnesses were forced to toe the line of the prosecution and the trap was thrust on the petitioner. The petitioner never demanded bribe nor received any bribe amount from the de-facto complainant.



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3.The specific stand of the petitioner is that the de-facto complainant is not eligible for any patta, he has got no legal right. Hence, he forced the petitioner to issue a survey report in favour of him which the petitioner refused. Taking vengeance for the same, a false trap laid on the petitioner. PW2/de-facto complainant till date unable to get any patta, since he has no legal right. For this aspect, the petitioner needs to examine these witnesses. The trial Court permitted LW7/M.Senthil, S/o.Murugesan, Deputy Tahsildar (Head Quarters), Taluk Office, Perambur, Chennai at the relevant point of time, to be examined as defence witness. Though this order was passed as early as on 28.02.2025, the prosecution is not producing LW7 and reporting that he is not available. LW7 is a Government Servant and he should be serving in one or other place. If he is retired, pension would be created, and he can be located. Hence, production of LW7 before the Lower Court cannot be delayed citing non-availability.

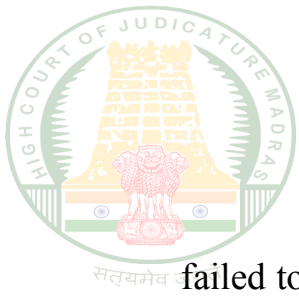


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4.The learned counsel for the petitioner today produced the evidence of PW6, the then Deputy Inspector of Survey, who is also Head Surveyor, who allocate works to the surveyor posted in the Taluk Office, Perambur, to conduct survey as per the applications received. He confirms that till his retirement, no patta was issued to PW2/de-facto complainant.

5.The learned Government Advocate (Crl. Side) submitted that trap was held on 12.01.2015, thereafter, investigation completed, charge sheet filed before the trial Court on 23.08.2016 listing 17 witnesses and the case is progressing but the petitioner is delaying the trial by giving one reason or other. Finally, now the case has reached the final stage. Prosecution side witnesses closed. The petitioner examined under Section 313 of Cr.P.C. At that time, invoking Section 243 of Cr.P.C., he filed a petition in Crl.M.P.No.15 of 2025 to examine 10 witnesses as defence witnesses giving no justification for what purpose these witnesses to be examined and how far, the evidence would be relevant to the above case. Finding that petitioner is



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failed to give proper reason and justification, the trial Court rightly dismissed the petition. Further submitted that allowing this petition would amount to re-trial of the case and it would take years for the case to get concluded and strongly opposed the same.

6.The petitioner now restricted his claim to examine three of the witnesses, namely, (i) Mr.Udhaya, Patta Clerk/Assistant, Taluk Office, Perambur, Chennai, (ii) Mr.Chandra Sekar, Deputy Tahsildar (Head Quarters), Taluk Office, Perambur, Chennai and (iii) Mr.Nagaraj, Assistant Director of Survey and Land Records, Chennai – 1.

7.The learned Government Advocate submitted that these three witnesses are Government servants. They can be produced without delay but petitioner to examine the witnesses then and there as and when they are produced. In any event, the entire process can be completed within a period of three weeks.



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8.Considering the submissions made on either side, this Court set asides the impugned order dated 28.02.2025 passed by the learned Special Judge, Special Court for the Cases under Prevention of Corruption Act, Chennai in Crl.M.P.No.15 of 2025 in C.C.No.3 of 2016 as regards the above three witnesses alone. The trial Court is permitted to summon these three witnesses, viz., (i) Mr.Udhaya, Patta Clerk/Assistant, Taluk Office, Perambur, Chennai, (ii) Mr.Chandra Sekar, Deputy Tahsildar (Head Quarters), Taluk Office, Perambur, Chennai and (iii) Mr.Nagaraj, Assistant Director of Survey and Land Records, Chennai – 1 and LW7/M.Senthil, examine them on the side of defence. The petitioner to examine these witnesses on the day of their appearance, without giving any reason and delay. The entire exercise to be completed within a period of three weeks from the date of receipt of a copy of this order.



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9. With the above directions, this Criminal Revision Case is partly

allowed. Consequently, the connected Criminal Miscellaneous Petition is closed.

**19.03.2025**

Index: Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

Neutral citation: Yes/No

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**Note: Issue order copy on 21.03.2025**

To

1. The Special Judge,  
Special Court for the Cases under  
Prevention of Corruption Act, Chennai

2. The Inspector of Police,  
Vigilance and Anti-corruption,  
Chennai.

3. The Public Prosecutor,  
High Court, Madras.



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**M.NIRMAL KUMAR, J.**

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