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Crl.R.C.No.523 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 22.04.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.523 of 2025

Prof (Dr) K.S.Sarwani

... Petitioner/A2

Versus

State of Tamil Nadu,
Represented by Inspector of Police,
Vigilance and Anti-corruption,
Chennai City-V,
Chennai – 600 016.

... Respondent

PRAYER : Criminal Revision Petition filed under Sections 438 and 442 of BNSS praying to set aside the order dated 23.01.2025 passed in Crl.M.P.No.762 of 2024 in Crime No.01/AC/2018 by the learned Special Judge, Special Court for the cases under Prevention of Corruption Act, Chennai and to direct the learned Special Court for the cases under the Prevention of Corruption Act, Chennai to return the petitioner's passport bearing No.J6620978 seized from the petitioner during the investigation in Crime No.01/AC/2018.

Petitioner : Mr.Richardson Wilson

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



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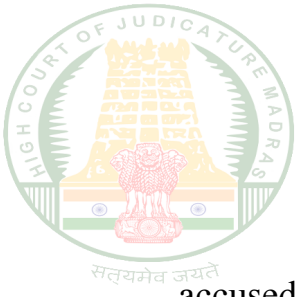


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ORDER

The petitioner, who was arrayed as A2 in Crime No.01/AC/2018/CC-V has filed this revision, challenging the order dated 23.01.2025 passed in Crl.M.P.No.762 of 2024 by the learned Special Judge, Special Court for the cases under Prevention of Corruption Act, Chennai and for a consequential direction to the Special Court for the cases under the Prevention of Corruption Act, Chennai to return the petitioner's Passport bearing No.J6620978, submitted by the petitioner, consequential to the bail order in Crime No.01/AC/2018.

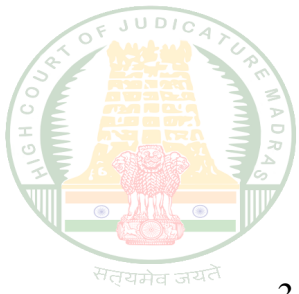
2.The petitioner is a Professor in Department of Inter Disciplinary Studies and Director of Department of Distance Education at the Tamil Nadu Dr.Ambedkar Law University. The case projected against the petitioner is that the petitioner along with the other accused violated the rules and procedures at the time of admission of students under 15% NRI Quota, thereby all the



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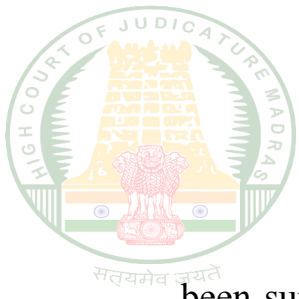
accused conspired amassed huge wealth and committed offence under Sections 120-B, 420, 467, 468 of I.P.C. and Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988. The petitioner as Professor has no primacy role in selection of students under 15% NRI Quota. The petitioner earlier approached this Court for anticipatory bail in Crl.O.P.No.9947 of 2018 and this Court by the order dated 13.04.2018, granted anticipatory bail to the petitioner. While granting anticipatory bail, one of the condition imposed is that the petitioner to surrender Passport before the Special Court for the cases under the Prevention of Corruption Act, Chennai. In obedience to the same, the petitioner surrendered the Passport. Now the petitioner reliably understands that after investigation prosecution sought for sanction with the appropriate authority and the sanction was denied and it was accepted by the respondent. Hence, no prosecution under the Prevention of Corruption Act is sustainable.



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3.The learned counsel for petitioner submitted that petitioner is the Head of the Department in Inter Disciplinary Studies and Director of Department of Distance Education at the Tamil Nadu Dr.Ambedkar Law University. She is taking classes for the student of School of Excellence and as visiting Professor gives lecture in other colleges, attends Seminars. Now the petitioner planning to attend a Seminar in USA, added to it, her daughter is pursuing her education in USA, hence, she needs Passport for travel. The petitioner filed a petition seeking return of Passport before the trial Court in Crl.M.P.No.762 of 2024. The respondent had no objection to return the Passport, which is recorded in the impugned order but in paragraph No.6, it is stated that petitioner's Passport bearing No.J6620978 is surrendered before the trial Court on the orders of the High Court in Crl.O.P.No.9947 of 2018 and the Lower Court has got no power to release the same without the order of the High Court. Further, the trial Court recorded, the case against the petitioner in Crime No.01/AC/2018/CC-V now dropped but the Passport has

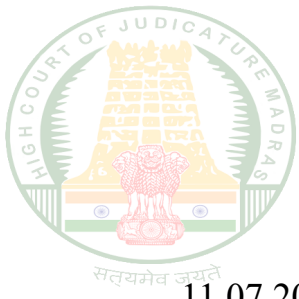


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been surrendered on the directions of the High Court, hence, the trial Court dismissed the petition.

4.The learned Special Public Prosecutor not seriously disputed the contention of the petitioner and filed his counter confirming that on completion of investigation final report was sent to the Vigilance Commissioner on 19.03.2021 recommending prosecution against A1 to A7. The Tamil Nadu Vigilance Commission forwarded the same to the Secretary to Government, Law Department, seeking for sanction of prosecution. The Registrar, Tamil Nadu Dr.Ambedkar Law University in his letter dated 18.08.2022 to the Secretary to Government (Law Affairs) informing that Syndicate perused Committee's report and resolved to decline prosecution against the petitioner and other accused, namely, A3 to A7. He further submitted that earlier petitioner filed Crl.O.P.No.14035 of 2023 before this Court to quash the F.I.R. in the above proceedings, this Court, by order dated

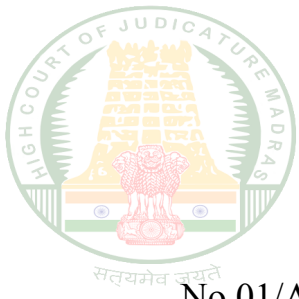


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11.07.2024 closed the Criminal Original Petition with a direction to the Directorate of Vigilance and Anti-Corruption to process the case further by taking into account the resolution passed by the Syndicate. Now the sanction of the prosecution against the petitioner and other accused denied and case in No.01/AC/2018/CC-V is closed. Hence, retention of the Passport No.J6620978 and 22 other documents seized from the petitioner during investigation in Crime No.01/AC/2018/CC-V, which is under the custody of Special Court for the cases under Prevention of Corruption Act, Chennai, are no more required to the Investigation Agency and the same can be returned to the petitioner.

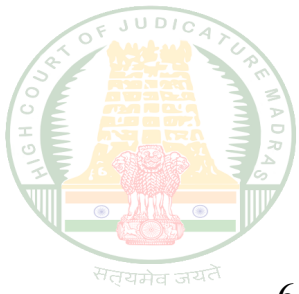
5.Considering the submissions made and on perusal of the material, it is seen that the petitioner, Head of the Department in Inter Disciplinary Studies and Director of Department of Distance Education at the Tamil Nadu Dr.Ambedkar Law University has been arrayed as A2 in Crime



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No.01/AC/2018/CC-V. She approached this Court for anticipatory bail in Crl.O.P.No.9947 of 2018 and this Court by the order dated 13.04.2018, granted anticipatory bail to the petitioner. While granting bail, one of the conditions imposed is that the petitioner to surrender passport before the Special Court for the cases under the Prevention of Corruption Act, Chennai. Now investigation completed, sanction for prosecution sought, which was denied by the Syndicate and the same was recorded in the quash petition in Crl.O.P.No.14035 of 2023, wherein, this Court had given a positive direction to the Directorate of Vigilance and Anti-Corruption to proceed on the line of the Syndicate resolution. The same considered and the Vigilance and Anti-corruption is proceeding as per the direction of this Court. Further, the Passport surrendered as a condition for anticipatory bail, it is not a case property and it is no more required. The respondent has got no objection to return the Passport to the petitioner.



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6.In view of the above, the impugned order passed by the learned Special Judge, Special Court for the cases under the Prevention of Corruption Act, Chennai is set aside. The trial Court is directed to hand over the Passport of the petitioner bearing No.J6620978 to the petitioner on production of this order.

7.With the above, the Criminal Revision Case is allowed.

22.04.2025

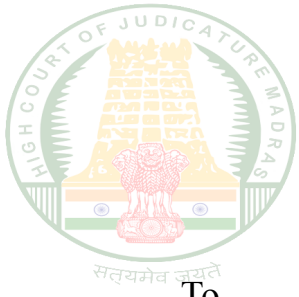
Index : Yes / No

Internet : Yes/No

Speaking / Non-speaking order

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Note: Issue order copy on 25.04.2024



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To
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- 1.The Inspector of Police,
Vigilance and Anti-corruption,
Chennai City-V,
Chennai – 600 016.
- 2.The Special Judge,
Special Court for the cases under Prevention
of Corruption Act, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

rsi

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