



Crl.R.C.No.559 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.559 of 2025
and Crl.M.P.Nos.8370 and 8371 of 2025

S.Senthilkumar

.. Petitioner

Versus

The State rep by.
Inspector of Police,
Vigilance & Anti-Corruption,
Salem Detachment,
Salem.
(Crime No.9/AC/2021)

.. Respondent

Prayer: Criminal Revision Case is filed under Section 397 and 401 of Cr.P.C., to set aside the impugned order, dated 24.01.2025 in Crl.M.P.No.819 of 2023 in Spl.C.C.No.3 of 2023 on the file of the Special Judge (for the trial of cases punishable under the P.C. Act 1988) Salem and allow the revision on such terms and conditions.

For Petitioner : Mr.J.Senguttuvan

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor



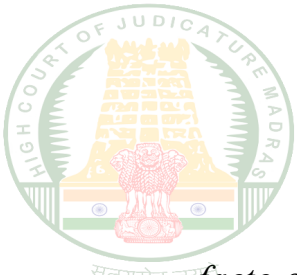
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ORDER

This Criminal Revision Case is filed against the order, dated 24.01.2025 passed in Crl.M.P.No.819 of 2023 in Spl.C.C.No.3 of 2023 by the Special Court under the Prevention of Corruption Act, 1988, Salem. By the said order, the petition, filed by the petitioner under Section 239 of the Code of Criminal procedure, praying to discharge him from the case, was dismissed.

2. The petitioner is the sole accused in Spl.C.C.No.3 of 2023 complaining an offence under Section 7A of the Prevention of Corruption Act, 1988. The case of the prosecution is that the petitioner is a public servant, employed as Senior Revenue Inspector in the office of the Special Tahsildar, Attur taluk, Salem district. The duty of the petitioner, inter *alia*, involved accompanying the other officials and completing the inspection to determine the value of the properties, for which, the documents were filed. While so, it is the allegation of the prosecution that when *L.W.I/de facto* complainant had submitted a document, for field inspection and clearing the document, the petitioner had demanded a sum of Rs.40,000/- and ultimately, insisted upon giving Rs.35,000/-. Not wanting to give the said sum, the *de*



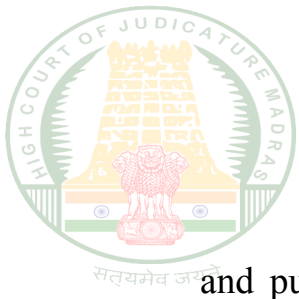
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facto complainant lodged a complaint and thereafter, a trap was set and on 22.06.2021, when the complainant decoy went with the money to the office, the petitioner was not there. Immediately thereof, the team retreated and again, they went to the home of the petitioner/accused, where also, he was not there. Finally, the team retreated and on the next day i.e., on 23.06.2021, early in the morning, when the *de facto* complainant approached, it was alleged that the petitioner accepted the said sum, upon which, he was caught red-handed.

3. Upon investigation, a final report is now laid and the present application, for discharge, is filed by the petitioner. The application was contested by the prosecution by filing a counter. The Trial Court found that there are *prima facie* materials to proceed against the petitioner for framing charges and dismissed the petition. Aggrieved by which, the present Criminal Revision Case is filed.

4. *Mr.J.Senguttuvan*, learned Counsel for the petitioner would submit that in this case, absolutely, there is no *prima facie* case inasmuch as the prosecution miserably failed to prove the demand. If there was a demand



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and pursuant to the demand, the decoy was paying the amount, then, the petitioner would not have been absent from the office on the first occasion. Even the second attempt failed as the petitioner was not found at his home. The said fact itself would indicate that there was no demand. In the absence of a demand, there can be no material for the prosecution to proceed.

5. Further, it is the contention of the learned Counsel for the petitioner that a detailed manual is framed by the respondent themselves and in case of a trap failing and the trap team retreats, they have to follow the procedure, take the permission of the higher officials once again before attempting. In this case, the two attempts failed and without following any procedure whatsoever, on the third attempt, that too, early in the morning, coming to the house of the petitioner, the money was thrust and immediately, he was caught. Therefore, the Trial Court ought to have seen that absolutely, there is no material at all and ought to have allowed the discharge application.

6. The said arguments are opposed by the learned Additional Public Prosecutor and he would submit that there are enough materials which are gathered and placed by the prosecution so as to frame the charges.



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7. I have considered the rival submissions made on either side and perused the material records of the case.

8. As far as the demand is concerned, the evidence of the *de facto* complainant is very much there where he has alleged that initially, Rs.40,000/- was asked and later, it was settled for Rs.35,000/-. The petitioner is in the job of field inspection. Therefore, his absence from his office or home is not a grave circumstance to be taken into account. Field officials keep on visiting various properties and places. Therefore, that by itself is not a vitiating factor. Further, it is not the case of *L.W.I* that the amount was ordered to be paid only at a particular time and place. The demand was there and therefore, the *de facto* complainant was directed to come with the money. Therefore, his absence in the office or at the home at the particular time, is not a fatal circumstance enabling the petitioner to be discharged from the case. Further, whether there were repeated attempts and if there is any violation of the manual etc., are all procedural questions to be considered at the time of trial along with the other allegations and evidence on record, that too, to be established by the petitioner during the



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course of trial. In view thereof, the prayer to discharge from the case cannot be countenanced and the Trial Court rightly dismissed the Crl.M.P.No.819 of 2023 in Spl.C.C.No.3 of 2023.

9. Accordingly, finding no merits, this Criminal Revision Case stands dismissed. Consequently, connected miscellaneous petitions are closed.

06.06.2025

Neutral Citation : no
grs

To

1. The Special Judge, (for the trial of the cases punishable under the P.C. Act, 1988), Salem.
2. The Inspector of Police,
Vigilance & Anti-Corruption,
Salem Detachment,
Salem.
3. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.,

grs

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