IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2025

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL RC No. 692 of 2025 AND CRL MP Nos. 10480 & 10476 OF 2025

1. V.Subramanian
Revenue Supervisor, Officer of the Executive
Engineer, TANGEDGO, Ambathur Division,Chennai.

2. S.Suriyam,
W/o. V.Subramanian, Residing at No.310, 3rd
Floor, A Block, D.No.369, VGN Raksha No.630,
Church Road, Mugappair East, Chennai

... Petitioners

Vs

The State rep by, The Inspector of Police,
Special Investigation Cell, Vigilance and Anti-
Corruption, Chennai-600016.

... Respondents

PRAYER

To call for the records in Crl.Mp.No.7143/2024 in Special CC.No.01/2024 dated 29.04.2025 passed by the Learned Chief Judicial magistrate Cum Special judge, Thiruvallur, set aside the said order dated 29.04.2025, discharge the petitioners from the charges under sections 13(2)r/w13(1)(e) of the Prevention of Corruption Act, 1988 and Section 109 IPC.

PRAYER in CRL MP No. 10480 of 2025

To dispense with the personal appearance of the Revision petitioners in special CC.No.1/2024 (on the file of the Learned Chief Judicial Magistrate cum Special Judge, Tiruvallur) pending disposal of the above Criminal Revision.

PRAYER in CRL MP No. 10476 of 2025

To stay all further proceedings in Special CC.No.1/2024 (on the file of the Learned Chief Judicial magistrate cum Special Judge, Tiruvallur) pending disposal of the above Criminal Revision.

For Petitioners : Mr.R.C.Paul Kanagaraj

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This revision is filed to call for the records in Crl.M.P.No.7143 of 2024 in S.C.No.1 of 2024 dated 29.04.2025, whereby the learned Chief Judicial Magistrate-cum-Subordinate Judge, Tiruvallur had dismissed the application filed by the petitioners to discharge themselves from the case.

2. Heard Mr.R.C.Paul Kanagaraj learned counsel appearing on behalf of the revision petitioners. Learned counsel, taking this Court through the statement that is filed by the prosecution would submit that ultimately, after giving deduction to the separate income of the second petitioner/wife of the first petitioner, the prosecution has come to the conclusion that there is an excess of about Rs.1 Crore during the

check period. As a matter of fact, it is the specific case of the accused that a sum of Rs.1.50 Crores has been advanced by one Rajeshwari by virtue of a joint venture agreement dated 01.02.2015. The veracity of the said agreement cannot be doubted, inasmuch as the amounts are further reflected in the Income Tax Returns that is filed by the second petitioner and also in the corresponding Income Tax Returns that are filed by the said financier. Therefore, when there are unimpeachable documents and accounts which are there before the Investigating Officer, merely by closing his eyes, the Investigating Officer, simply for the sake of lodging a final report, disbelieved the said transactions and only on account of the said rejection of the said transactions, the entire charge sheet came to be filed. If the said transaction pursuant to the agreement dated 01.02.2015 is accepted, then there is no other disproportionate wealth. Therefore, the learned counsel would submit that the trial Court ought to have seen those documents, which, though are between the parties, but are supported by Income Tax Returns that are filed before the appropriate statutory authorities lending credibility to the case of the accused and ought to have taken the said amount in to account and discharged the accused.

3. Learned counsel would further submit that on the reverse of the agreement itself, the dates on which the amounts are advanced are entered into and the corresponding transaction in the Income Tax Returns showing that as the date received and the further transaction of selling the properties thereafter and settling the said financier are also not taken into account by the Investigating Officer.

4. Per contra, learned Additional Public Prosecutor would submit that the Income Tax Returns are said to be not a conclusive proof and therefore, these are matters of trial. The investigating officer has collected all the materials and have placed it before the trial Court and there are enough materials to proceed at this stage and it is not proper for this Court to interfere when the trial Court had rightly considered the matter and dismissed the discharge petition.

5. I have considered the rival submissions made by learned counsel for both sides and perused the material records of the case.

6. We are in the stage of discharge and upon oral and documentary materials, if two views are possible at the stage of discharge, the view to continue prosecution shall only to be taken, which will be converse while considering the case for conviction. Therefore, when the accused side is interpreting the agreement dated 01.02.2015 and the transaction as genuine and when the prosecution is putting forth a case disputing the said transaction as being huge transaction on account of being made by way of cash and hence disproportionate, when prima facie it is the case of the prosecution that the said transaction is not believable, it is not for this Court to conduct a mini-trial at the time of discharge itself.

7. Therefore, in my view the grounds that are argued by the learned counsel are matters which could be taken during the course of the trial and that the order refusing to discharge the petitioners cannot be interfered with. As a matter of fact, as per the entires that are relied upon, it can be seen that the amounts are advanced in two financial years and in one return of the Financier, it is shown in one financial year. These matter can be gone into only at the time of trial. In view thereof, keeping open the liberty of the petitioners to raise all these grounds during

the course of trial, this Criminal Revision Case is dismissed. Considering the plea of the learned counsel for the petitioners that the second petitioner is a woman and considering her age, for all the hearings except necessary hearings such as questioning, framing of charges and the hearings that may be insisted upon by the trial Court, for all other hearings her presence before the trial Court shall stand dispensed with. Crl.M.P.No.10480 of 2025 is ordered accordingly. Crl.M.P.No.10476 of 2025 is closed.

16-06-2025

KST
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

To

1. The Inspector of Police
   Special Investigation Cell,
   Vigilance and Anti-Corruption,
   Chennai-600016.

2. The Chief Judicial magistrate Cum
   Special judge, Thiruvallur.

D.BHARATHA CHAKRAVARTHY, J.

KST

CRL R.C No. 692 of 2025

16-06-2025