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Crl.R.C.Nos.752, 753, 755 and 757 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.Nos.752, 753, 755 and 757 of 2025
and Crl.M.P.Nos.10963, 10965, 10969, 10977,
10959, 10962, 10966 and 10976 of 2025

V.Krishnakumar
S/o Varadarajan, Professor and Head
of Department of Physics / Principal
Investigator, Periyar University
Salem (Now under Suspension) and
residing at No.50, Pandamanga
Agraharam, Uraiyur, Trichy 600 003.

... Petitioner in all the
Crl.Revision Cases

Vs

The State of Tamil Nady rep.by the
Inspector of Police
Vigilance and Anti Corruption
Salem.

... Respondent in all the
Crl.Revision Cases

PRAYER in Crl.R.C.No.752 of 2025

Criminal Revision Case uner Section 438 read with Section 442 of BNSS, 2023 to call for the entire records relating to Special Case No.9/2020 on the file of the Special Judge for Vigilance and Anti Corruption, Salem and set aside the order dated 05.04.2025 made in Crl.M.P.No.281 of 2021 and discharge the petitioner.

PRAYER in Crl.R.C.No.753 of 2025

Criminal Revision Case uner Section 438 read with Section 442 of BNSS, 2023 to call for the entire records relating to Special Case No.11/2020 on the file of the Special Judge for Vigilance and Anti Corruption, Salem and set aside the order dated 05.04.2025 made in Crl.M.P.No.282 of 2021 and discharge the petitioner.



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PRAYER in Crl.R.C.No.755 of 2025

Criminal Revision Case under Section 438 read with Section 442 of BNSS, 2023 to call for the entire records relating to Special Case No.10/2020 on the file of the Special Judge for Vigilance and Anti Corruption, Salem and set aside the order dated 05.04.2025 made in Crl.M.P.No.283 of 2021 and discharge the petitioner.

PRAYER in Crl.R.C.No.757 of 2025

Criminal Revision Case under Section 438 read with Section 442 of BNSS, 2023 to call for the entire records relating to Special Case No.8/2020 on the file of the Special Judge for Vigilance and Anti Corruption, Salem and set aside the order dated 05.04.2025 made in Crl.M.P.No.280 of 2021 and discharge the petitioner.

For Petitioner : Mr.N.S.Sivakumar
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

COMMON ORDER

These Criminal Revision Cases are filed as against the order dated 05.04.2025 made in Crl.M.P.Nos.280, 281, 282 and 283 of 2021 in S.C.Nos.8,9,10 and 11 of 2020 on the file of the Special Judge for Vigilance and Anti Corruption, Salem. By the said order, the applications filed by the petitioner to discharge him from the cases, were dismissed by the trial Court.

2. Heard Mr.N.S.Sivakumar, learned counsel for the petitioner, who would submit that in these cases there are allegations as regards to four projects. All the happenings of the projects were periodically reported to the appropriate Committees and with reference to the funds, the same



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was also duly reported to the Accounts and Finance Department of the University and the concerned Officers have scrutinized and have issued Funds Utilized Certificate and the remaining balance of funds also have been duly credited back. Therefore, there is absolutely no misconduct whatsoever that is committed by the petitioner much less criminal misconduct. There is no such positive evidence that the chemicals or appropriate materials were never purchased or it is not the case of the prosecution that the respective experiments were not carried out. Experiments were duly carried out and the only allegation is that the purchase details that are submitted by the Research Assistants were fictitious and no such shops / agencies exist, for which the Head of the Department (HOD) cannot be made liable. When the Research Assistants go to the field and procure materials, merely because they have chosen to create some fictitious bills without producing actual bills to the concerned Department, the same cannot be put against the HOD, especially when there is no other positive material to prove the misappropriation committed by the petitioner, who is the HOD.

3. It is the further contention of the learned counsel for the petitioner that as per the provisions of the Periyar University, more specifically Section 15(viii), the complaints against the officials ought not to be registered upon sourced information, as the Act mandates that it is



only the authorities who have to forward the information requesting for preliminary enquiry. When the University has not made any such request, registering of the FIR on the basis of some 'source information' and proceeding with the investigation itself is violative of the Act. Further, no sanction whatsoever was obtained in this regard. Therefore, the learned counsel for the petitioner submits that this is a fit case for interference at this stage and the Trial Court ought to have discharged the petitioner.

4. Per contra, Mr.A.Gokulakrishnan learned Additional Public Prosecutor would submit that the offence was committed during the period 2008 to 2011, as such prior to the amendment and the requirement of sanction under Section 17A is not necessary. As far as the cases are concerned, they were registered on credible information and therefore there is no bar to proceed with the investigation, especially when upon preliminary verification it was found that the shops mentioned in the bills were never in existence. The complicity of the petitioner can be known from the gross misconduct as it is only the HOD who is supposed to make purchases and merely because he has permitted the Research Assistants for making the purchases, it does not absolve his liability and in any event, such an argument that the HOD had no knowledge about the bills produced by him, cannot be countenanced at this stage.



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5. I have carefully considered the rival submissions made by the learned counsel for both sides and have perused the materials placed on record.

6. As rightly contended by the learned Additional Public Prosecutor, since these cases arose before the amendment, there was no requirement for prior sanction under Section 17A. Further, the Periyar University Act, 1997 only delineates the procedure as to which authorities should request for preliminary investigation by the Vigilance and Anti Corruption Department and it does not in any manner bar the police from taking cognizance of any other credible information, especially in a case of this nature, where the bills submitted are stated to have been forged and are in the name of fictitious entities. I do not see that the provisions in the Periyar University Act, 1997 delineating the appropriate authorities to forward the complaint for preliminary enquiry as a bar for registering the FIR and investigating the matter.

7. The further contention with reference to the complicity of the petitioner cannot be countenanced at this stage, as it is only the HOD, according to the prosecution, is responsible for submitting the bills. Whether he submitted it with complicity or not is a matter to be raised



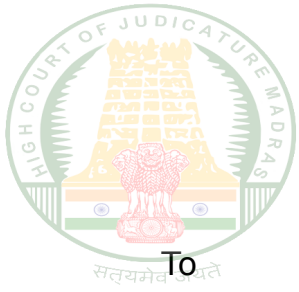
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during the trial. Therefore, I do not see any ground to interfere at this stage and the trial Court has rightly considered the grievances raised on behalf of the petitioner and dismissed the discharge petitions. Finding no merit, these Criminal Revision Cases are dismissed. Consequently, connected 10959, 10962, 10966 and 10976 of 2025 are closed.

8. At this stage, the learned counsel for the petitioner submitted that the petitioner is aged about 64 years and his case can be considered for dispensing with personal appearance. Considering the age of the petitioner, for all the hearings except necessary hearings such as questioning, framing of charges and for the hearings that may be insisted upon by the trial Court, for all other hearings the personal appearance of the petitioner before the trial Court shall stand dispensed with. Crl.M.P.Nos.10963, 10965, 10969, 10977 are ordered accordingly.

16-06-2025

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



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To

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1. Inspector of Police
Vigilance and Anti Corruption
Salem.
2. Special Judge for Vigilance and
Anti Corruption, Salem.



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D.BHARATHA CHAKRAVARTHY, J.

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