



Crl.O.P.No.18342 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.18342 of 2025

Santhanam

.. Petitioner

Versus

State By,
Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Chennai.

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C./528 BNSS, 2023, to call for the records in Crl.M.P.No.54 of 2025 in C.C.No.144 of 2011 pending on the file of the Special Court for the cases under Prevention of Corruption Act at Chennai and set aside the same and consequently, direct the Trial Court to conduct local inspection in the above case.

For Petitioner : M/s.S.M.Nandhie Devhan

For Respondent : Mr.S.Udaya Kumar,



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Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to call for the records in Crl.M.P.No.54 of 2025 in C.C.No.144 of 2011 on the file of the Special Court for the case under Prevention of Corruption Act at Chennai. By the said order, the prayer to conduct a local inspection by the Court itself, was rejected by the Trial Court.

2. The petitioner submits that he has been prosecuted on the ground of inferior quality of construction etc. There is an expert report which is on record, filed on behalf of the prosecution. In order to understand the case of the accused that there are several shortcomings in the expert report and also to properly appreciate the evidence, it is the case of the accused that the local inspection in this case by the Court itself is necessary. The Court considered the matter in detail and held that when the expert report is already on record, nothing further remains to be done by the Court and it also held that it is not

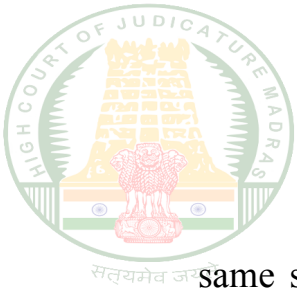


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an expert to substitute its own opinion for the opinion of the expert.
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3. The learned Counsel for the petitioner would submit that there are certain errors with reference to the observation of the construction itself in the expert report and the accused has to prove the same and the truth has to come on record.

4. No exception whatsoever can be taken to the conclusion reached by the Trial Court that it is not an expert and the prosecution is the best judge to prove its case and it has marshaled such evidence that is necessary to prove the case against the accused. If the accused want to defend or bring any other facts or even a contra expert opinion on record, it is for the accused to let in such defence evidence. In that regard, it is represented that the entire structure is going to be demolished in the near future. Considering the same, if the accused wants to engage any expert and inspect the said superstructure and take photograph, videograph and also prepare any inspection report, the



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same shall not be resisted by the prosecution. The petitioner/accused can engage any expert within a period of one week from the date of receipt of a web-copy of this order and after due intimation to the prosecution, the expert can inspect and take measurements, pictures, photographs, videographs etc., and such report can be produced by the accused in support of his own defence.

5. With the said liberty and directions, this Criminal Original Petition stands disposed of upholding the order passed by the Trial Court.

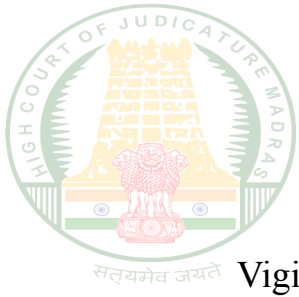
26.06.2025

Neutral Citation : no
grs

To

1. The Special Court for the cases
under Prevention of Corruption Act at Chennai.
2. The Deputy Superintendent of Police,

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Vigilance and Anti Corruption,
Chennai.

3. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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