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Crl.A.No.1276 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 20.08.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.No.1276 of 2025

and

Crl.M.P.No.15792 of 2025

D.Kanniappan

... Appellant/A3

Versus

The State Rep by its
The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai City-II Detachment,
Chennai – 35.

... Respondent/Complainant

PRAYER : Criminal Appeal filed under Section 415(2) of BNSS, praying to set aside the judgment dated 22.05.2025 in C.C.No.3572 of 2015 on the file of Chief Metropolitan Magistrate, Egmore, Chennai.

Appellant : Mr.K.Myilsamy

For Respondent : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor



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JUDGMENT

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The Criminal Appeal has been filed seeking to set aside the judgment of conviction passed by the learned Chief Metropolitan Magistrate, Egmore, Chennai in C.C.No.3572 of 2015 dated 22.05.2025.

2.The learned counsel for the appellant submitted that the appellant is arrayed as A3 in this case and he has been convicted by the trial Court by the judgment dated 22.05.2025 in C.C.No.3572 of 2015 for the offences under Sections 120(B), 420 r/w 120(B) of I.P.C. and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.25,000/-, in default, to undergo three months simple imprisonment for the offence under Section 120(B) of I.P.C. and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.25,000/-, in default, to undergo three months simple imprisonment for the offence under Section 420 r/w 120(B) of I.P.C. The appellant had already paid the fine amount. The trial Court had already suspended the sentence of the appellant till 25.08.2025.



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3. On perusal of the trial Court judgment, it is seen that initially on the complaint of PW1/de-facto complainant, F.I.R. was registered under the Prevention of Corruption Act. Thereafter, at the time of filing final report, the offence was altered to I.P.C. offences and the appellant was facing trial under I.P.C. offences. The learned Chief Metropolitan Magistrate, Egmore, Chennai had convicted the appellant for the offences under Sections 120(B), 420 r/w 120(B) of I.P.C. Against the said conviction, the appellant ought to have filed an appeal before the Sessions Court. The appellant, on a wrong premise and finding that the prosecution agency is Vigilance and Anti-Corruption, straightaway filed an appeal before this Court, which is not proper. Needless to state, only the conviction by the Special Court under the Prevention of Corruption Act alone will lie before this Court.

4. In view of the above, this Criminal Appeal is disposed of. The Registry is directed to return all the original papers to the appellant forthwith,



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so that he can file an appeal before the Sessions Court. Consequently, the

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connected Criminal Miscellaneous Petition is closed.

20.08.2025

Index : Yes / No

Internet : Yes/No

Speaking / Non-speaking order

rsi

To

1.The Chief Metropolitan Magistrate,
Egmore, Chennai.

2.The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai City-II Detachment,
Chennai – 35.

3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

rsi

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