



Crl.R.C.No.2338 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Orders reserved on : 25.06.2025

Orders pronounced on : **01.07.2025**

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.2338 of 2024
and Crl.M.P.No.18059 of 2024

P.Chinnadurai,
Formerly Tahsildar,
Taluk Office, Ayanavaram,
Chennai - 102.

Residing at
No.21/45, 13th Cross Street,
New Colony, Chrompet,
Chennai - 44.

.. Petitioner

Versus

State Represented by
The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai City - II,
Alandur, Chennai - 16.

.. Respondent

Prayer: Criminal Revision Case is filed under Section 438 r/w 442 BNSS,
2023, to call for the records in Crl.M.P.No.678 of 2023 on the file of the



Crl.R.C.No.2338 of 2024

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learned Special Judge, Special Court for the Cases under Prevention of Corruption Act at Chennai - 104 (Trial Court) in Calendar Case No.3 of 2023 and set aside the order, dated 26.11.2024 made in Crl.M.P.No.678 of 2023.

For Petitioner : Mr.R.Shunmugasundaram,
Senior Counsel
for Mr.Sundarraja Mukund.M

For Respondent : Mr.S.Udayakumar,
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case is filed challenging the order dated 26.11.2024 made in Crl.M.P.No.678 of 2023 in C.C.No.3 of 2023 on the file of the learned Special Judge, Special Court for Cases under the Prevention of Corruption Act at Chennai. By the said order, the application filed by the petitioner under Section 239 of the Code of Criminal Procedure to discharge him from the case was dismissed by the Trial Court.

2. Heard *Mr.R.Shunmugasundaram*, learned Senior Counsel for the



Crl.R.C.No.2338 of 2024

petitioner, and *Mr.S.Udayakumar*, learned Government Advocate (Crl. Side)
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for the respondent.

3. The learned Senior Counsel for the petitioner, firstly, would submit that in this case, it can be seen that the core of the allegation is that when the *de facto* complainant approached the Taluk office for a legal heirship certificate for his aunt, who passed away long ago, the first accused, *R.Ponni*, initially demanded a sum of Rs.25,000/- and later reiterated that at least Rs.10,000/- should be given. When he went to the Tahsildar, the petitioner herein, he is said to have spoken the following words:-

"அதற்கு அவர் ஒருவர் இறந்து 10 வருடங்களுக்கு மேலே போனால் வாரிசு சான்றிதழ் கொடுக்க முடியாது. திரு.யசோதரன் இறந்து 25 வருடம் ஆகியுள்ளது, அதனால் RI-யிடமே சென்று பேசிக்கொள்ளுங்கள் என்று என்னை அனுப்பிவிட்டார்."

Thus, even taking these allegations on its face value, it can be seen that there was absolutely no demand by the petitioner and therefore, the respondent ought to have seen that there is absolutely no material to proceed



Crl.R.C.No.2338 of 2024

against the petitioner.

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4. The second contention of the learned Senior Counsel for the petitioner is that the District Collector of Chennai district had granted sanction to prosecute the petitioner vide the order dated 22.02.2023. Even the sanction order states that, when this petitioner, who is named as the second accused, was informed by the *de facto* complainant that the first accused, *R.Ponni*, had demanded money, he remained silent, which is the point considered. If the sanctioning authority had taken this fact into account, then it should have concluded that there was absolutely no basis for granting sanction to prosecute the petitioner/accused.

5. Furthermore, upon reviewing the entire order, it is evident that the offences for which the sanction is being granted are not even mentioned. Therefore, there is a complete lack of application of mind by the sanctioning officer. Unless the Final Report is accompanied by a valid sanction order, the Trial Court is not authorized to take cognizance of the offence against the



Crl.R.C.No.2338 of 2024

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petitioner, as any such action would be *void ab initio* without a valid sanction order. The learned Senior Counsel relies on the portions of the sanction order, which are extracted below for easy reference.

"WHEREAS it is reported that, accused officer A2 Thiru. P. Chinnadurai, formerly Tahsildar maintained silence when the complainant made complaint on accused officer A1 Tmt.R.Ponni about demand of bribe amount and also reported that he has directed the complainant to act according to instruction of accused officer A1 Tmt. R. Ponni, formerly Firka Revenue Inspector. The arrest of accused officer A1 Tmt.R.Ponni, formerly Firka Revenue Inspector & accused officer A2 Thiru.P.Chinnadurai, Tahsildar were informed to the Revenue Divisional Officer Thiru.Elangovan and the relatives of accused officers over phone.

...

Now, I therefore under section 19 (1) (c) of the Prevention of Corruption Act 1988 (as amended in 2018) do hereby accord Sanction for Prosecution of accused officer A1 Tmt.R.Ponni, formerly Firka Revenue Inspector, O/o.Ayanavaram Taluk, Chennai and accused officer A2 Thiru.P.Chinnadurai, formerly Tahsildar, O/o.Ayanavaram Taluk, Chennai, for the said offences and for taking cognizance of the said offence by the Court of competent jurisdiction."

6. The learned Senior Counsel would rely upon the judgment of this Court in ***P. Govindan v. State***¹, specifically on paragraph Nos.16 and 17, to argue that unless the offences are explicitly mentioned, it indicates a lack of

¹ 2008 SCC OnLine Mad 1532



Crl.R.C.No.2338 of 2024

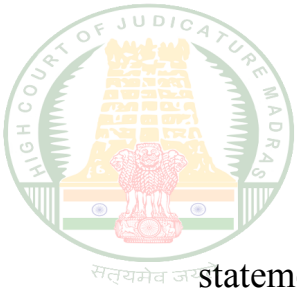
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application of mind, and the order of sanction is not merely a formality. The learned Senior Counsel would also cite the judgment of the Hon'ble Supreme Court of India in ***Kapur Chand Pokhraj v. The State of Bombay***² to argue that the absence of requisite sanction renders the entire proceedings void from the outset, and the sanction must be valid. Furthermore, the learned Senior Counsel would refer to the judgment of the Hon'ble Supreme Court of India in ***Mohd. Iqbal Ahmed v. State of Andhra Pradesh***³, especially paragraph 3, to assert that the sanctioning authority must be aware of all facts constituting the offence and should have applied its mind to the allegations and prosecution materials. Without such an application of mind reflected in the order, the order would be invalid.

7. Per *contra*, Mr.S.Udayakumar, learned Government Advocate (Crl. Side) for the respondent, submits that although the petitioner is said to have spoken the particular sentence (extracted *supra*), there is subsequent evidence that clearly shows the petitioner's involvement. The subsequent

² 1958 SCC OnLine SC 36

³ (1979) 4 SCC 172



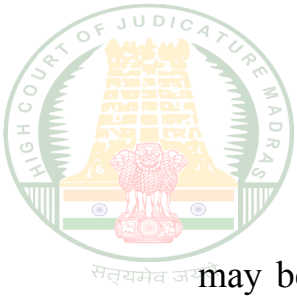
Crl.R.C.No.2338 of 2024

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statements obtained during the investigation are relied upon. Regarding the sanction order, he argues that it distinctly demonstrates that the authority applied its mind, and the absence of the specific section mentioned does not in any way invalidate the sanction order.

8. I have examined the rival submissions from both sides and reviewed the case records.

9. Regarding the initial allegation in the F.I.R., it appears that for the purpose of issuing a legal heirship certificate, when the *de facto* complainant approached the Taluk office, the Revenue Inspector, the first accused, reportedly asked for a bribe. When the *de facto* complainant complained to the petitioner, the second accused, he is said to have uttered the words mentioned above. These words *alone* cannot be definitively deemed as a demand. Although the words taken out of context, and meant literally, they do not necessarily imply a demand. However, if they are considered in the context of the transaction and the manner in which they were spoken, they



Crl.R.C.No.2338 of 2024

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may be interpreted differently. It is more than just what is said; how it is said can alter the meaning of the words spoken.

10. Apart from this, upon perusal of the case diary, it can be seen that after the initial complaint and demand, the *de facto* complainant later visited the chamber of the petitioner/second accused, where it is alleged that there was an open and direct demand regarding the bribe amount. Therefore, at this stage, examining the meaning of the statement made in the F.I.R. and the extent of the accused's involvement cannot be determined by considering the merits of the allegations. It is sufficient to state that I am not in a position to accept the contention of the learned Senior Counsel for the petitioner that there is no material at all to proceed against the petitioner/accused No.2.

11. The next contention is regarding the sanction. On reviewing the sanction order, it is evident that it not only states that he was silent but also mentions in the same paragraph that the second accused directed the complainant to act according to the instructions of the accused officer.



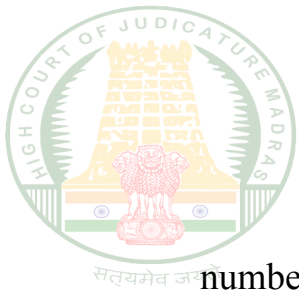
Crl.R.C.No.2338 of 2024

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Afterwards, the entire process of laying the trap, accepting the bribe amount, the tests conducted, the seizure, and all related materials are examined in detail. The reflection of the mind is clearly shown in the sanction order, and in the last paragraph, it states that the sanction is granted under Section 19(1)(c) of the Prevention of Corruption Act, 1988. The fact that the offence under Section 7 and Section 13(2) read with Section 13(1)(d) is not explicitly mentioned does not indicate any lack of application of mind given the facts and circumstances of the case. I do not see the District Collector granting the sanction in a casual manner that could prejudice the public servant. This case involves a clear allegation of demand and acceptance of a bribe, and all the relevant materials were duly presented to and considered by the sanctioning officer, who subsequently issued the sanction order.

12. In the judgment of this Court, as cited by the learned Senior Counsel for the petitioner in **P. Govindan's** case (cited *supra*), this Court only mentioned the omission of the offence as one of the circumstances, and it is not established as a legal principle that the mere absence of the section

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Crl.R.C.No.2338 of 2024

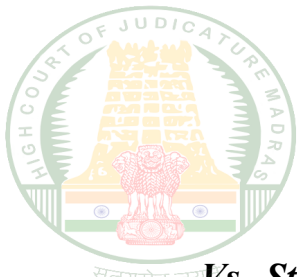
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number of the offence would invalidate the sanction order itself. The purpose of granting sanction is to protect public servants from unwarranted prosecution if the purported act is performed in the course of their official duties. Therefore, in this case, it cannot be said that there is a lack of consideration. The latest legal position on this matter is summarized by the Hon'ble Supreme Court of India in ***Dashrath Vs. State of Maharashtra***⁴, and it is relevant to extract paragraph No.11 of the said judgment, which reads as follows:-

"11. There is a legal impediment to prosecute a public servant for corruption, if there be no sanction. Grant of sanction is an administrative function based on the subjective satisfaction of the sanctioning authority after due application of mind to the materials placed before him. Whether sanction should be granted or not is, however, not about mental satisfaction of the truth of the facts placed before the officer competent to grant sanction but all that is necessary for a sanction to be granted is for him to be satisfied about the existence of a prima facie case."

13. In this regard, a useful reference can be made to another judgment of the Hon'ble Supreme Court of India in ***Mansukhlal Vithaldas Chauhan***

⁴ 2025 SCC OnLine SC 1054



Crl.R.C.No.2338 of 2024

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judgment, which reads as follows:-

"19. Since the validity of “sanction” depends on the applicability of mind by the sanctioning authority to the facts of the case as also the material and evidence collected during investigation, it necessarily follows that the sanctioning authority has to apply its own independent mind for the generation of genuine satisfaction whether prosecution has to be sanctioned or not. The mind of the sanctioning authority should not be under pressure from any quarter nor should any external force be acting upon it to take a decision one way or the other. Since the discretion to grant or not to grant sanction vests absolutely in the sanctioning authority, its discretion should be shown to have not been affected by any extraneous consideration. If it is shown that the sanctioning authority was unable to apply its independent mind for any reason whatsoever or was under an obligation or compulsion or constraint to grant the sanction, the order will be bad for the reason that the discretion of the authority “not to sanction” was taken away and it was compelled to act mechanically to sanction the prosecution."

Upon going by the dictum of the Hon'ble Supreme Court of India and upon perusing the sanction order as a whole, I do not see that the present sanction order is invalid. It is made clear that the observations, that are made, are only for the limited purpose of disposing of this Criminal Revision Case and any of the observations made hereunder cannot be taken into

⁵ (1997) 7 SCC 622



Crl.R.C.No.2338 of 2024

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account by the Trial Court while considering the issues in the trial.

14. Accordingly, finding no merits, this Criminal Revision Case stands dismissed. Consequently, connected miscellaneous petition is closed.

01.07.2025

Neutral Citation : yes
grs

To

1. The Special Judge,
Special Court for the Cases
under Prevention of Corruption Act,
Chennai - 104.
2. The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai City - II,
Alandur, Chennai - 16.
3. The Public Prosecutor,
High Court of Madras.



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Crl.R.C.No.2338 of 2024

D.BHARATHA CHAKRAVARTHY, J.,

grs

Crl.R.C.No.2338 of 2024
and Crl.M.P.No.18059 of 2024

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