



CrI.O.P.Nos.3526, 3529, 4642 and 4746 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 11.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

CrI.O.P.Nos.3526, 3529, 4642 and 4746 of 2025

CrI.O.P.No.3526 of 2025

S.P.Arumugam

... Petitioner

Vs

The State rep by
The Inspector of Police
Vigilance and Anti Corruption
Trichirapalli.
(Crime No.3 of 2022)

... Respondent

CrI.O.P.No.3529 of 2025

S.Saravanakumar

... Petitioner

Vs

The State rep by
The Inspector of Police
Vigilance and Anti Corruption
Trichirapalli.
(Crime No.3 of 2022)

... Respondent

CrI.O.P.No.4642 of 2025

A.Mani

... Petitioner



Crl.O.P.Nos.3526, 3529, 4642 and 4746 of 2025

Vs

The State rep by
The Inspector of Police
Vigilance and Anti Corruption
Trichirapalli.
(Crime No.3 of 2022)

... Respondent

Crl.O.P.No.4746 of 2025

S.Senthil

... Petitioner

Vs

The State rep by
The Inspector of Police
Vigilance and Anti Corruption
Trichirapalli.
(Crime No.3 of 2022)

... Respondent

Common Prayer: Criminal Original Petitions filed under Section 528 of BNSS Act 2023, to quash the charge sheet filed in Spl.C.No.3 of 2024 pending trial before the Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act, Villupuram, under the circumstances of the case.

In all the Crl.O.P's.:

For Petitioners	: Mr.N.Kannan
For Respondent	: Mr.S.Udayakumar Government Advocate (Crl. Side)



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COMMON ORDER

WEB COPY These Criminal Original Petitions originate out of the same case and as such are taken up and disposed of by this common order.

2. The petitioners are arrayed as accused Nos.2, 3, 4 and 5 in this case. Heard, *Mr.N.Kannan*, the learned counsel appearing for the petitioners. The learned counsel appearing on behalf of the petitioners would submit that the crux of the allegations in the present case is that the accused No. 2 had collected bribe amounts from certain individuals who were irregularly appointed as Cooks. It is further alleged that accused No. 2 was carrying the said amount when he was intercepted during an inspection, and the amount was recovered from his possession.

3. It is the case of the prosecution that the entire amount was collected with the purpose of handing over to the accused No.1 in this case. This Court considered the case as against the accused No.1, viz., *R.Kalaimohan* in Crl.O.P.No.25516 of 2024 and had allowed the quash petition vide order dated 10.12.2024 and therefore, the entire case of the prosecution cannot sustain anymore.



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WEB COPY 4. Secondly, it can be seen that there is absolutely no material as against these accused, while it is the confession alone, which is placed as material, the same was not supported by any other material, that is collected during the course of investigation. The prosecution is relying upon the statements made by three witnesses, who are the irregular appointees. The said statements, even as per the materials that are produced by the prosecution are recorded by one *Anbazhagan*, Inspector of Police on 02.04.2022. On the said date, the said *Anbazhagan* was not the Investigating Officer and on the face of it, the statements are absurd and could not have been recorded by the said officer, who was never the Investigating Officer. If those three statements are eschewed, except for the alleged confession made at the time of inspection and recovery of money, nothing further is made out on behalf of the prosecution.

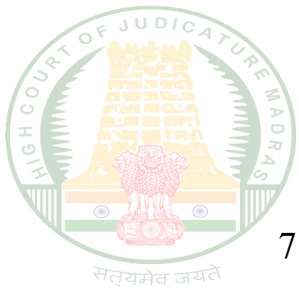
5. Already, this Court considered the entire issue in Crl.O.P.No.25516 of 2024 and quashed the case as against the accused No.1. Further, with reference to accused No.5, except for alleging that he paid the salary to the irregularly appointed cooks, there is nothing else on record. When persons are



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appointed, it is the duty of the accused No.5 to disburse the salary. Merely because, they are irregularly appointed, salary cannot be withheld. Therefore, in the absence of any further materials, with reference to the accused No.5, the case against him also has got no legs to stand. Accordingly, this Court should allow all the Criminal Original Petitions.

6. Per contra, the learned Government Advocate (Crl. Side) would submit that there are materials as against all the accused to proceed further. With reference to the order passed in favour of the first accused in quashing the case, it is submitted that the prosecution has already preferred an appeal before the Hon'ble Supreme Court of India. However, the appeal has not yet been numbered and the matter will be numbered and taken up for hearing in a short duration of time. In any event, as far as these accused are concerned, firstly with reference to the interception and seizure of the amount, the L.W.1 – *Jagatheeswaran*, the District Inspection Officer has spoken about the fact that they got information and intercepted the vehicle and seized the cash, during which time, the accused No.2 is said to have admitted that the amount has been collected only for paying bribe to the accused No.1.

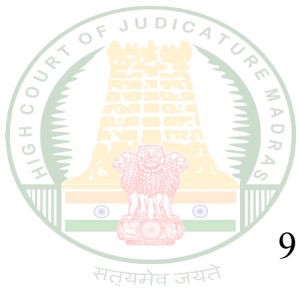


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7. The learned Government Advocate (Crl. Side) would submit that the

WEB COPY said extra judicial confession that is made prior to the recording of the First Information Report itself is a reliable material by the prosecution. Apart from the oral evidence of the Inspection Officer, the cash that is collected is duly produced before the concerned Court by way of Recovery Mahazar and those materials are available on record.

8. Thirdly, certain cooks who have been subsequently removed from service, on account of their irregular appointment had given their statements. The contention that *Anbazhagan* was not in-charge of the case is erroneous in law. Only by a subsequent memo dated 16.09.2022, the file was directed to be entrusted to the subsequent Investigating Officer. Therefore, there are enough materials to proceed against the accused. The 5th accused is in the rank of Tahsildar, who ought to have checked whether the appointments were duly approved by the Government and whether their appointments were as per due process of law. He would submit that in this own process, the glaring violation of rule of law is demonstrated in the materials.



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9. The post of cook is a regular post under the Adi Dravidar Welfare Department. As per the Recruitment Rules, the post has to be filled up firstly by ascertaining the vacancy and proposing it to the Head of the Department and the Head of the Department, who firstly give his permission for filling up of the vacancies. Thereafter, the vacancies have to be notified through public advertisement mode as well as through employment exchange and thereafter the process of selection has to be conducted and the candidate should be appointed.

10. In the instant case, when in Tiruchirapalli District, there were no vacancies at all. In order to illegally appoint the persons, the existing cooks were transferred / granted promotion to various other posts to which they were not entitled at all and artificially created vacancies. Even then, without sending any communication to the Head of the Department and getting the approval for recruitment, straight away resorted to selection. The selection was not made by making any advertisement or notifying through the Employment Exchange. Therefore, the action was swiftly taken and those appointments were cancelled. All these facts would show that the prosecution has enough materials even to convict all the accused. Therefore, absolutely



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there is no question of quashing the case for want of material evidence.

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11. In reply thereof, the learned counsel appearing on behalf of the petitioners would dispute the position with reference to the change of Investigating Officer and would submit that from the deposit of the case property before the learned Magistrate, it would be clear that the *Anbazhagan* was not the Investigating Officer on the date of recording of the statements.

12. Secondly, the procedure adopted by the petitioner – accused No.2 is that these cooks were earlier in the short list. However, could not be appointed for want of vacancies and therefore, drawing from the said panel, these appointments were made. These things are not considered by the Investigating Officer and the charge sheet was filed.

13. I have considered the rival submissions made on either side and perused the material records of the case.

14. The case as projected by the prosecution is extracted supra from the arguments of the learned Government Advocate (CrI. Side) and therefore, it



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cannot be stated that there are no materials at all.

WEB COPY(a) It is alleged that when there were no vacancies, incumbents in the post of cook were transferred/promoted in violation of the rules to create vacancies.

(b) Instead of notifying the vacancies and to the Directorate and getting their concurrence to fill up the same, straight away the vacancies were filled up. When the vacancies were filled up, there was no advertisement or notification to the employment exchange.

(c) The candidates who appeared in the earlier selection, however were not selected were called and were directed to pay bribe amount and the after payment of the amount, were given appointment orders in gross violation of the law.

(d) It is alleged that when the accused no.2 was travelling with the bribe amount, he was intercepted and the cash was seized and then the first information report was lodged and investigated.

15. With reference to the grounds that are pleaded by the learned counsel for the petitioners, it can be seen that those are not points which can be considered on the face of it, without the accused being subjected to trial

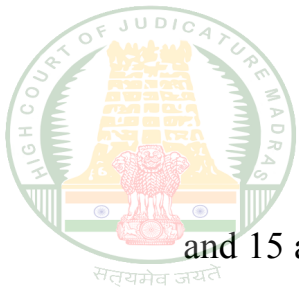


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and the prosecution witnesses being questioned in that regard. On the face of it, there seems to be an appointment without selection and consequential seizure of cash and some statements of the witnesses which will prima facie point out towards the materials to proceed against these accused.

16. Therefore, I am not in agreement with the learned counsel for the petitioners that there is no material at all for proceeding in the instant case. With reference to the earlier order in Crl.O.P.No.25516 of 2024 firstly, it can be seen that when the matter was considered and an order was passed, it seems to have been passed on the premise that except the confession, there is no other material. But, I am able to see that the L.W.1 speaks about the seizure of cash, before whom accused No.2 is said to have confessed, which confession was prior to the registering of the First Information Report. The admissibility of such confession as a material was not considered in the order passed in respect of the accused No.1. Useful reference in this regard can be made to the Judgment of the Hon'ble Supreme Court of India in ***Ram Lal Vs. State of Himachal Pradesh***¹. The Hon'ble Supreme Court considered a case of a bank employee making a confessional statement in writing in the preliminary enquiry that was conducted by the Bank authorities and it was held in para 14

¹ (2019) 17 SCC 411



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and 15 as follows :

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“14. It is well settled that conviction can be based on a voluntary confession but the rule of prudence requires that wherever possible it should be corroborated by independent evidence. Extra-judicial confession of the accused need not in all cases be corroborated. In *Madan Gopal Kakkad v. Naval Dubey* [*Madan Gopal Kakkad v. Naval Dubey*, (1992) 3 SCC 204 : 1992 SCC (Cri) 598] , this Court after referring to *Piara Singh v. State of Punjab* [*Piara Singh v. State of Punjab*, (1977) 4 SCC 452 : 1977 SCC (Cri) 614] held that the law does not require that the evidence of an extra-judicial confession should in all cases be corroborated. The rule of prudence does not require that each and every circumstance mentioned in the confession must be separately and independently corroborated.

15.As discussed above, if the court is satisfied that if the confession is voluntary, the conviction can be based upon the same. Rule of prudence does not require that each and every circumstance mentioned in the confession with regard to the participation of the accused must be separately and independently corroborated. In the case at hand, as pointed out by the trial court as well as by the High Court, *R.K. Soni* (PW 2) and *R.C. Chhabra* (PW 3) were the senior officers of the Bank and when they reached the Bank for inspection on 23-4-1994, the accused submitted his confessional statement (Ext. PW-2/A). Likewise, in the enquiry conducted by *R.C. Chhabra* (PW 3), the accused had given confessional statement (Ext. PW-3/A).”

17. Further, I find that there are materials to proceed as far as these accused are concerned and hence I am not in a position to take the same view as in Crl.O.P.No.25516 of 2024 that there are no materials at all as far as these accused is concerned and therefore, I am of the view that the petitioners should be left open to raise all these contentions during the course of the trial and this Court in exercise of the powers under Section 482 of Cr.P.C., cannot



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interfere in the matter.

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18. Accordingly, finding no merits, these Criminal Original Petitions stand dismissed.

11.07.2025

Neutral Citation: Yes/No
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To

1.The Special Judge,
Special Court for Trial of Cases under Prevention of Corruption Act,
Villupuram.

2.The Inspector of Police
Vigilance and Anti Corruption
Trichirapalli.

3.The Public Prosecutor
Madras High Court.



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D.BHARATHA CHAKRAVARTHY, J.

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