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Crl.OP.Nos.30471 & 30476 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2025

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.Nos.30471 & 30476 of 2025

Rajamanickam ...Petitioner in Crl.O.P.No.30471 of 2025

Viswanathan ...Petitioner in Crl.O.P.No.30476 of 2025

Vs.

1. State of Tamil Nadu,
Rep. by the Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Namakkal District.

2. The Inspector of Police,
Vigilance and Anti-Corruption,
Namakkal District.
(Crime No.8/AC/2021)

...Respondents in both Crl.O.Ps

Common Prayer: Criminal Original Petitions filed under Section 528 of BNSS, 2023, to direct the learned District and Sessions Judge, Namakkal, to number the petitions filed by the respective petitioners under section 497 of BNSS (451 of Cr.P.C.), both on 29.07.2025.

In both Crl.O.Ps:

For Petitioner : Mr.C.S.Saravanan

For Respondents : Mr.K.M.D.Muhilan, APP



Crl.OP.Nos.30471 & 30476 of 2025

COMMON ORDER

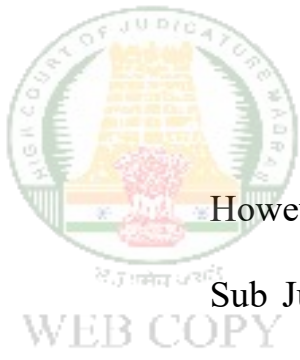
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These criminal original petitions have been filed seeking to direct the learned District and Sessions Judge, Namakkal, to number the petitions filed by the petitioners under Section 497 of BNSS (451 of Cr.P.C.), both on 29.07.2025.

2. The brief facts are as follows:

2.1 The 2nd respondent/police registered a case in Crime No.8/AC/2021 for the offences under Sections 13(2) r/w. 13(1)(e) of the Prevention of Corruption Act and Sections 13(2) r/w. 13(b) of the P.C. Act as amended in 2018, 109 of IPC r/w. 13(2) r/w. 13(1)(e) of the P.C. Act 1988 and 12 r/w. 13(2) r/w. 13(b) of the P.C. Act as amended in 2018. The allegation made against the accused therein is that they acquired the properties and pecuniary resources which are disproportionate to the known sources of income of the former Minister. Further, during the course of investigation, on 15.12.2021 and 01.02.2022, the respondent police conducted a search in the petitioners' houses, during which, certain properties and documents were seized by them and the same were handed over and deposited before the Chief Judicial Magistrate Court, Namakkal.

2/8



Crl.OP.Nos.30471 & 30476 of 2025

However, the case was later transferred to the file of the learned Principal Sub Judge, Namakkal, for want of jurisdiction. Hence, on 16.03.2025, the petitioners filed petitions under Section 497 of BNSS, seeking return of the seized properties. However, the same was returned on 23.04.2025 with an endorsement "*To be filed before proper Court*". Thereafter, as the case was transferred to the file of the learned District and Sessions Judge, Namakkal, the petitioners once again filed the petitions seeking return of properties before the said court on 29.07.2025. However, the learned District and Sessions Judge, Namakkal, returned the said petitions on 22.08.2025 with an endorsement "*The property not yet received by this Court.*"

2.2 Therefore, on 16.09.2025, the petitioners filed applications under Section 91 of Cr.P.C. seeking to send the material properties from the Chief Judicial Magistrate, Namakkal to the learned District and Sessions Judge, Namakkal. However, the same were returned by the Registry stating that the same are not maintainable. Aggrieved by the same, the petitioners have come up with these petitions.

3. Learned counsel for the petitioners submitted that after the kicking in of BNSS, ie., after 01.07.2024, as the Courts, which were earlier



Crl.OP.Nos.30471 & 30476 of 2025

designated as Special Courts for trial of criminal cases filed against the Members of Parliament and Members of Legislative Assembly, can no longer try cases, the present cases were transferred to the file of the learned Principal District Judge, Namakkal. He further submitted that as per the Official Memorandum of this Court in ROC.No.5745/2018/G4 dated 14.05.2025, transferring the cases involving MPs and MLAs to the Special Court in the cadre of District Judge, as on date, the case records have been transferred to the file of the learned Principal District and Sessions Judge, Namakkal. Hence, the petitioners filed petitions seeking return of properties before the Principal District and Sessions Judge, Namakkal, whereas the learned Judge had returned the same stating that the property has not yet been received by the Court. He also submitted that in the event of property having not been received by the Court concerned, the Court ought to have issued necessary directions for transfer of the case properties/records to its file and ought not to have returned the petitions filed by the petitioners. Hence, he submitted that it would suffice if this Court issues a direction to the Court below to take the same on file and pass appropriate orders on merits and in accordance with law.



Crl.OP.Nos.30471 & 30476 of 2025

4. Per contra, the learned Additional Public Prosecutor appearing for the respondents submitted that originally, the case was pending on the file of the learned Chief Judicial Magistrate, Namakkal and the properties seized were produced under Form-95 before the learned Chief Judicial Magistrate, Namakkal. Subsequently, the case was transferred to the file of the Principal Subordinate Court, Namakkal. However, after the kicking in of BNSS and also pursuant to the official memorandum of this Court dated 14.05.2025, the cases filed under the Prevention of Corruption Act for MPs and MLAs are tried by the Principal District and Sessions Court and therefore, the case papers have now been transferred to the file of the learned District and Sessions Judge, Namakkal. However, he fairly submitted that the properties have not yet been transferred to the said Court.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The facts are not in dispute. Admittedly, consequent to the kicking in of BNSS and Official Memorandum issued by this Court in ROC.No.5745/2018/G4 dated 14.05.2025, the Principal District Courts/



Crl.OP.Nos.30471 & 30476 of 2025

Additional Courts are designated as the competent courts to try the cases relating to the elected members of the Parliament as well as Legislative Assembly.

7. As rightly pointed out by the learned counsel for the petitioners, instead of returning the petitions filed seeking return of properties, the learned District and Sessions Judge, Namakkal, ought to have called for the properties from the Court concerned.

8. In such perspective of the matter, the learned District and Sessions Judge, Namakkal, is directed to take the petitions filed by petitioners under Section 497 of BNSS for return of properties, on file, call for the case properties and decide the cases on merits and in accordance with law, as expeditiously as possible.

9. With the above directions and observation, these criminal original petitions stand allowed.

10.11.2025

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NCC : Yes/No

6/8



Crl.OP.Nos.30471 & 30476 of 2025

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To:

1. The District and Sessions Judge,
Namakkal.
2. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Namakkal District.
3. The Inspector of Police,
Vigilance and Anti-Corruption,
Namakkal District.
4. The Public Prosecutor,
Madras High Court.



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Crl.OP.Nos.30471 & 30476 of 2025

A.D.JAGADISH CHANDIRA, J.

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Crl.OP.Nos.30471 & 30476 of 2025

10.11.2025