



**Crl.RC(MD) No.646 of 2025**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED: 16.06.2025**

**CORAM:**

**THE HON'BLE MS.JUSTICE R.N.MANJULA**

**Crl.RC(MD) No.646 of 2025**  
**and Crl.M.P(MD) No.7164 of 2025**

Muthusamy

... Petitioner

Vs

State of Tamilnadu Rep by  
The Inspector of Police, Ramanathapuram,  
Vigilance Anti Anticorruption, Ramnad.  
In Crime. No. 3 of 2013.

... Respondent

**Prayer:** This Criminal Revision Case filed under Section 438 r/w 442 of BNSS, 2023 to call for the records from the Chief Judicial Magistrate, Ramanathapuram in impugned order Crl.M.P.No.7951/2022 in Spl.C.C.No.3/2022 dated 05.09.2024 passed by the Chief Judicial Magistrate, Ramanathapuram and set aside the same as illegal and unsustainable under law.

For Petitioner : Mr.B.Saravanan

For Respondent : Mr.R.Meenakshi Sundaram  
Additional Public Prosecutor



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**ORDER**

This Criminal Revision has been filed challenging the order of the learned Chief Judicial Magistrate, Ramanathapuram, dated 05.09.2024, made in Crl.M.P.No.7951/2022 in Spl.C.C.No.3/2022.

2. The petitioner is the first accused, who has filed a miscellaneous petition before the Chief Judicial Magistrate Court in Crl.M.P.No.7951 of 2022 on the allegation that the petitioner being the Secretary of Primary Agricultural Co-operative Credit Society, he will not fall under the purview of Prevention of Corruption Act, 1988 (hereinafter referred to as 'the Act') and he will not fall under the definition of 'Public Servant' under the Prevention of Corruption Act and hence, he ought to be discharged from the offence.

3. Even according to the definition of 'Public Servant' as seen under 2(c)(ix) of the Act, it includes the President, Secretary or other office bearers of registered Co-operative Society engaged in agriculture, industry, trade, banking, etc., For the sake of convenience, the above provision is produced for perusal.



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*“2(c) “public servant” means—*

*...*

*(ix) any person who is the president, secretary or other office-bearer of a registered co-operative society engaged in agriculture, industry, trade or banking, receiving or having received any financial aid from the Central Government or a State Government or from any corporation established by or under a Central, Provincial or State Act, or any authority or body owned or controlled or aided by the Government or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956);”*

4.As the petitioner comes well within the ambit of 'Public Servant' as defined under the Act, the petitioner is not entitled to stick on to the above technical ground. The trial Judge has also rightly dealt with the above issue and has rightly chosen to dismiss the discharge application. The petitioner has not made out any ground to entertain this revision. The order of the learned trial Judge holds good in all aspects and the matter does not require any interference.



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5.In view of the aforesaid facts, this criminal revision stands

***dismissed.*** However, in the interest of justice, the learned trial Judge is directed to dispose of Spl.C.C.No.03 of 2022 as expeditiously as possible. Consequently, connected miscellaneous petition is closed.

**16.06.2025**

NCC :Yes/No  
Index :Yes/No  
Internet:Yes/No  
PNM

To

1.The Chief Judicial Magistrate,  
Ramanathapuram.

2.The Inspector of Police, Ramanathapuram,  
Vigilance Anti Anticorruption, Ramnad.  
In Crime. No. 3 of 2013.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.



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**R.N.MANJULA,J.**

PNM

**ORDER IN**

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**and Crl.M.P(MD) No.7164 of 2025**

**16.06.2025**