



**Crl.A(MD)No.525 of 2025**

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

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**DATED: 24.06.2025**

**CORAM:**

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

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1. C.K Kathiravan

2. R. B. Vijayasathy

... Appellants

Vs

1. The State of Tamil Nadu,  
Rep. by the Inspector of Police,  
Vigilance and Anti Corruption,  
Trichy.

2. Janakiraman

3. Vasanthi

... Respondents

**Prayer:** This Criminal Appeal Case filed under Section 374 of Cr.P.C to call for the records and set aside the portion of the order in Special Case No. 91 of 2011 on the file of the learned Special Judge for Trial of Cases under Prevention of Corruption Act, Tiruchirappalli dt. 25.04.2024 with regard to the appellants property in S.No.1059/3 situated in Vilpatty Village, Kodaikanal Taluk, Dindigul District which was wrongly included to confiscate.

|                   |                              |
|-------------------|------------------------------|
| For Appellants :  | Mr. S.Poornachandran         |
| For Respondents : | Mr.R.Meenakshi Sundaram (R1) |
|                   | Additional Public Prosecutor |
|                   | Mr.C.Muthusaravanan (R2)     |
|                   | Mr.M.Jegadeesh Pandian (R3)  |



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## **JUDGMENT**

The present Criminal Appeal has been filed challenging the portion of the order in Special Case No. 91 of 2011 on the file of the learned Special Judge for Trial of Cases under Prevention of Corruption Act, Tiruchirappalli, dated 25.04.2024 with regard to the appellants' property in S.No.1059/3 situated at Vilpatty Village, Kodaikanal Taluk, Dindigul District which was wrongly included to confiscate.

2.The appellants are third parties to the proceedings in Spl.Case No.91 of 2011. The respondent police has registered a case in Crime No.6 of 2001 as against one Janakiraman, the then Sub Registrar of Woraiyur, Trichy and his wife, Vasanthi. A final report was also filed and the same was taken on file in Spl.Case No.91 of 2011, by the Special Court for trial of cases under the Prevention of Corruption Act, Tiruchirappalli, for the offence under Sections 13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988. The accused were found guilty by the trial Court and while deciding the case, the trial Court has also passed an order with regard to the property of these appellants in Survey No.1059/3, to confiscate the property as the property of the crime. Aggrieved over the same, this Criminal Appeal is filed.



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3.The learned counsel appearing for the appellants submitted that

the above-mentioned property is the absolute property of these appellants.

Without considering the same and without providing an opportunity to these appellants, the property was treated as that of the accused and it was also ordered to be confiscated.

4.The learned Additional Public Prosecutor, who has taken notice for the first respondent submitted that there is a civil dispute between the vendor of the appellants, namely Veluthayee and the second accused. The above order of confiscation in respect of the property in S.No.1059/3 and the other properties have been passed in the Judgment delivered by the Special Court for trial of cases under the Prevention of Corruption Act, Tiruchirappalli, on 25.04.2024 for the offences charged against the respondent 2 and 3/A1,A2 under Sections 13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988.

5.On 29.04.2025, when this Court ordered notice to the respondents 2 and 3 / accused A1 and A2, it has been observed that the Court has not given any opportunity to these appellants.



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6. There was a civil suit pending between the appellant's vendor and A2 in O.S.No.177 of 2004 on the file of District Munsif cum Judicial Magistrate Court, Kodaikanal and in the said suit, an Ex-Parte Decree has been passed in favour of the plaintiff/Veluthayee on 31.01.2008. The appellants have purchased the above property from Veluthayee by virtue of the sale deed, dated 29.03.2010.

7. The learned counsel for the appellants submitted that after purchasing the property, they have divided them into plots and had sold them to various third parties. They were not aware that the above property was involved in a criminal proceeding. They happened to know about the confiscation order, only when transaction was going to be registered in respect of the plot divided out of lands in S.No.1059/3.

8. On perusal of the sale deed, dated 29.03.2010, it appears that the purchaser is one Jegakumar, who has purchased the property from the plaintiff in O.S.No.177 of 2004, Veluthayee. The said Jegakumar has given Power of Attorney in favour of one Arumugam in respect of the above property and these appellants have got sale deed from the power agent Arumugam on 01.04.2014. Since the appellants have produced certain documents to show his interest in



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the above property, it would have been appropriate for the learned Sessions Judge to give an opportunity to the appellants before passing any confiscation order in S.No.1059/3.

9.The learned Additional Public Prosecutor submitted that there may be collision between A1, A2 and the appellants. All these contentions may be made before the learned Sessions Judge, while passing the property disposal order in respect of S.No.1059/3.

10.As the appellants are also interested in S.No.1059/3 and as there was a civil dispute pending between A2 and one Veluthayee, who was the previous owner of the property, I feel that it is appropriate to set aside the confiscation order, in respect of an extent of 0.66.0 Hectares in S.No.1059/3.

11.Accordingly, this Criminal Appeal is allowed by setting aside the order of the learned Special Judge for Trial of Cases under Prevention of Corruption Act, Tiruchirappalli, dated 25.04.2024 in SC No.91/11 in so far as it relates to the confiscation order in respect of an extent of 0.66.0 Hectares in S.No.1059/3 as found against Item no.13 of the schedule II of the confiscation order. Consequently, the matter is remitted back to the learned Special Judge to



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consider the matter afresh and pass appropriate orders in respect of item No.13, after giving an opportunity to the appellants, A1 and A2 and the prosecution and allow them to make their contentions.

**24.06.2025**

NCC :Yes/No

Index :Yes/No

Internet:Yes/No

PNM

To

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

2.The Inspector of Police,  
Vigilance and Anti Corruption,  
Trichy.

3.The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court,  
Madurai.



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

PNM

**JUDGMENT IN**

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