

Crl.RC(MD) No.837 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.07.2025

CORAM:

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

Crl.RC(MD) No.837 of 2025
and Crl.M.P(MD) Nos.8916 & 8917 of 2025

S. Anandaraj

... Petitioner

Vs

The State of Tamilnadu,
Rep by the Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Masilamani Nagar,
Kulavanigarpuram,
Tirunelveli District.
Crime No.5/2017

... Respondent

Prayer: This Criminal Revision Case filed under Section 438 r/w 442 of BNSS, 2023 to call for the records pertaining to the impugned order passed by the learned Special Judge, Prevention of Corruption Act cases at Tirunelveli in Crl MP No.489 of 2022 in Spl.Case No.3 of 2021 dated 23.05.2025 and set aside the same by allowing the revision.

For Petitioner : Mr.K.Mahendran

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



Crl.RC(MD) No.837 of 2025

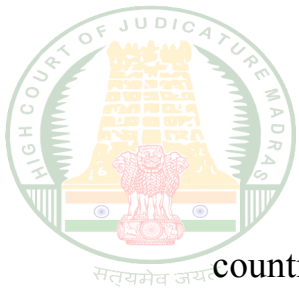
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ORDER

This Criminal Revision has been filed challenging the order of the learned Special Judge, Prevention of Corruption Act cases at Tirunelveli, dated 23.05.2025, made in Crl.M.P.No.489 of 2022 in Spl.Case No.3 of 2021.

2.The petitioner is the first accused against whom charge sheet has been filed by the respondent Police for the offences under Sections 120B, 167, 409, 420, 465, 468, 471, 477(A) IPC and Sections 13(2) r/w 13(1)(c) and (d) of the Prevention of Corruption Act, 1988 (hereinafter referred to as 'the PC Act').

3.(i)The case of the prosecution is that the petitioner is the President of Therkkul Kallikulam Panchayat, Radhapuram Panchayat Union, Tirunelveli District during the period between 2011 and 2016 and the second accused is the Secretary of the said Panchayat. The Government of India has framed a Scheme namely, Mahatma Gandhi Rural Employment Guarantee Scheme for the purpose of providing enhancement of livelihood security of the households in rural areas of the



Crl.RC(MD) No.837 of 2025

WEB COPY

country by providing at least 100 days of guaranteed wage employment in every financial year to every household whose adult members volunteer to do unskilled manual works. As per Section 2 of the Schedule II of Mahatma Gandhi National Rural Employment Guarantee Act, 2005, it shall be the duty of the Grama Panchayat to register the household, after making such enquiry as it deems fit and issue a Job Card containing such details of the adult members of the household, affixing their photographs as specified by the State Government in the Scheme.

(ii).As per Mahatma Gandhi National Rural Employment Guarantee Act, 2005, the President is the principal authority for planning and implementation of the Scheme made under this Act. The details of adults in any rural area, who are capable of doing unskilled manual work and who are volunteer to do unskilled manual works have to apply to the concerned Panchayat President, requesting to register their names as employees under the Scheme. On receipt of the application, the Panchayat President has to make such enquiry as deemed fit, as required under Section 2 of Schedule II of Mahatma Gandhi National Rural Employment Guarantee Act, 2005 to ensure that the applicant is eligible to be registered



Crl.RC(MD) No.837 of 2025

as a worker under the Scheme. Thereafter, the Panchayat President has to issue Job Card with a photo of the worker affixed therein.

(iii).The Panchayat Secretary has to assist the President in implementing the above said Scheme. For the said purpose, the Panchayat Secretary has to maintain records such as 1.Application Registration and Job Card Issue Register, 2.Household Employment Register, 3.Job Card Issue Register, 4.Nominal Muster Roll Stock Register, 5.Register of Receipts and Expenditures and 6.Asset Register, connected with the said Scheme. Further, the Secretary has to get Daily Attendance Register from the Worksite Supervisor and thereafter, entrusted the same to the Block Development Officer through Technical Assistant.

(iv).The workers have to be employed for 6 days in a week and the Worksite Supervisor has to maintain and ensure whether they have worked for 7 hours in a day and note down the quantity of work turned out by the workers in each day. The workers should also sign in the Nominal Muster Roll. Subsequent to that, the Nominal Muster Roll will be submitted to the Block Development Officer for payment of wages for the



Crl.RC(MD) No.837 of 2025

work executed by them.

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(v).During the period between 2015 and 2016, A1/Panchayat President and A2/Secretary have enrolled non-eligible workers A4 to A8 with the connivance of A3/Worksite Supervisor and wages have been paid from the funds allotted under the Mahatma Gandhi National Rural Employment Guarantee Scheme. On the allegation that the accused in the scandal helped each other with the common intention had dishonestly induced the authority concerned to transfer the funds to the accounts of non-eligible beneficiaries and thus, cheated the Government. As they have created records suiting to the above illegality and made false entries, a charge sheet has been filed against the accused A1 to A8 under various provisions, more particularly against this petitioner under Sections 120B, 167, 409, 420, 465, 468, 471, 477(A) IPC and Sections 13(2) r/w 13(1)(c) and (d) of the PC Act.

4.The learned counsel for the Petitioner submitted that the petitioner in his capacity as the President of the Panchayat does not have the authority to sanction the wages and he did not get any proceeds of the



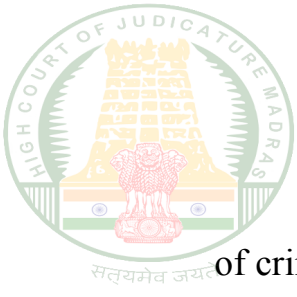
Crl.RC(MD) No.837 of 2025

WEB COPY

crime and all that he has done was that he had issued Job Card in accordance with the Scheme and it is for the Worksite supervisor, who should supervise whether the individuals, who have been issued with Job Card have performed duty for seven hours as per the Scheme.

5.It is further submitted by the learned counsel for the petitioner that the first accused in his capacity as President has not properly scrutinized the documents and he could have at the best been subjected to disciplinary proceedings and no criminal liability can be fastened against him. So, it is claimed that the materials available on record do not constitute the charge against the petitioner under Sections 120B, 167, 409, 420, 465, 468, 471, 477(A) IPC and Sections 13(2) r/w 13(1)(c) and (d) of the PC Act.

6.In support of his above contention, he relied on the decision of this Court held in *A.Lakshmanan Vs State in Crl.O.P(MD) No.8714 of 2024* and attention was drawn to Paragraph No.17 of the judgment, wherein, it is held that when there is no allegation with regard to the pecuniary benefits gained by the petitioner by illegal means, the allegation



Crl.RC(MD) No.837 of 2025

of criminal conspiracy and criminal misconduct does not arise.

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7. In the above the case referred *supra*, the accused has been charged only for the offences under Sections 120B, 109 IPC r/w 13(2) r/w 13(1)(d) of PC Act. As the petitioner involved in that case has been charged for having been entered into conspiracy and criminal misconduct, the Court has observed that the absence of any pecuniary benefit, the allegation of criminal conspiracy and criminal misconduct will not arise. However, the case in hand is different from the facts of the case cited by the learned counsel for the petitioner.

8. In the instant case, the primary responsibility lies with the first and second accused to verify the genuineness of the beneficiaries and thereafter, issue Job Card. The third accused/ Worksite Supervisor has to supervise the work of those individuals, who have been issued with Job Card and furnish the details of work done by them to the second accused and the second accused, in turn, has sent the details to the Block Development Officer for disbursing the wages in accordance with the records produced by them.



Crl.RC(MD) No.837 of 2025

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9.The allegation of prosecution is that the A1 to A3 have acted hand in glove and given Job Cards to the ineligible persons (A4 to A8) and caused funds to be disbursed to the account of the illegal beneficiaries, thereby, cheated and misappropriated the public money.

10.When such allegations are made by pointing out the duty of the first and second accused in implementing the Mahatma Gandhi National Rural Employment Guarantee Scheme and when lot of records are maintained and entries are made and submitted to the concerned authorities to sanction the wages, the accused cannot say that they did not play any active role, if any beneficiary is given with the Job Card illegally. The intention of the accused 1 and 2 in issuing Job Card and the illegal gain received by them, if any, cannot be decided at the stage of 227 Cr.P.C. proceedings itself.

11.The scope of 227 Cr.P.C., can be only based on the allegations made in the charge sheet and the supporting documents. If the accused is subjected to trial on the basis of the materials now available



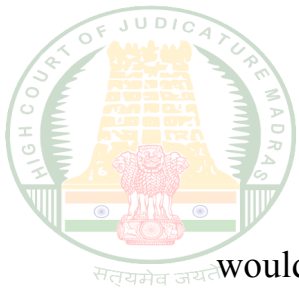
Crl.RC(MD) No.837 of 2025

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and if its presumed that they are not opposed and still it will lead only the acquittal of the accused, then there is no point in conducting a trial and hence, the accused should be discharged.

12.The petitioner cannot expect the Court to conduct a roving enquiry without getting the advantage of the evidence of prosecution witnesses. Since the 1st and 2nd accused are occupying the powerful position of identifying the beneficiaries and keep the Scheme rolling, the prosecution has found fault with the Accused No. 1 and 2 by making allegations that they have created records suiting their convenience and thereby cheated the Government to divert the funds to the account of illegal beneficiaries.

13.As there are sufficient materials to make out the offence for which the 1st accused has been charged, the veracity of the materials cannot be tested at this early stage without initiating the trial. The petitioner had not convinced the Court that there are no materials available or even if the materials available, they are only for the effect of acquitting him at the end of the trial, even if they are uncontraverted and it



Crl.RC(MD) No.837 of 2025

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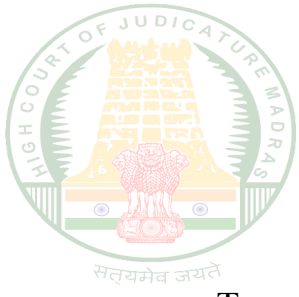
would only cause the wastage of judicial time, then only he can expect the Court to discharge him from the charges, under Section 227 of Cr.P.C.

14.The learned trial Judge has rightly appreciated the materials available on record and found that the petitioner and A2/Secretary are the persons responsible for issuing Job Card. It is right to dismiss the petition filed under Section 227 Cr.P.C., and for that reason, I do not find any scope for an interference.

15. In fine, this criminal revision stands *dismissed*.
Consequently, connected miscellaneous petitions are closed.

24.07.2025

NCC :Yes/No
Index :Yes/No
Internet:Yes/No
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Crl.RC(MD) No.837 of 2025

To

1.The Special Judge,
Prevention of Corruption Act cases at Tirunelveli.

2.The the Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Masilamani Nagar, Kulavanigarpuram,
Tirunelveli District.

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



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Crl.RC(MD) No.837 of 2025

DR.R.N.MANJULA, J.

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ORDER IN

CrI.RC(MD) No.837 of 2025
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