



Crl.RC(MD) No.972 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.08.2025

CORAM:

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

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S. Varadharajan

... Petitioner

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Vigilance and Anti Corruption,
Sivagangai Detachment,
Crime No. 03/2017.

... Respondent

Prayer: This Criminal Revision Case filed under Section 438 r/w 442 of BNSS, 2023 to call for the records pertaining to the order, dated 23.06.2025 made in Crl.M.P.No. 28 of 2024 in Spl.C.C.No. 6 of 2023 passed by the learned Special Judge for trial of cases under the Prevention of Corruption Act, Sivagangai, Sivagangai District and set aside the same by allowing the above revision petition.

For Petitioner : Mr.S.Ramasamy

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



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ORDER

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This Criminal Revision has been filed challenging the order of the learned Special Judge for trial of cases under the Prevention of Corruption Act, Sivagangai, Sivagangai District, dated 23.06.2025, made in Crl.M.P.No. 28 of 2024 in Spl.C.C.No. 6 of 2023.

2.The revision petitioner/A4 has filed this petition before the trial Court under section 239 of Cr.P.C., to discharge him from the charges under Sections 120(b), 167, 409, 465, 468, 471 r/w 109 of IPC and Section 13(2) r/w 13(1)(c)(d) of Prevention of Corruption Act, 1988.

3.The petitioner was working as an Engineer in Sivagangai Municipality from 20.12.2011 to 12.02.2014. At that time, one Subramanian (A2) was working as a Municipal Commissioner upto 31.01.2013 and thereafter, he was transferred. Hence, the petitioner was placed in-charge of Municipal Commissioner.

4.The case of the prosecution is that the sullage tank lorry bearing registration No. TN-46-D-TN-46-D-8083 is not in existence and



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was not used for cleaning the sewage in the Sivagangai Municipality. But the petitioner has passed cheques in favour of Agro Engineering Co-Operative Society Limited, Sivagangai for outsourcing the sewage clearance with the help of lorry bearing registration No. TN-46-D-TN-46-D-8083. As the petitioner had passed cheques without actually engaging the lorry to a private person and caused loss to the Municipality to the tune of Rs.24,03,271/-, the charge sheet has been filed against the petitioner and the eight others.

5.The petitioner has filed a petition under Section 239 of Cr.P.C., to discharge him from the charges by alleging that the lorry number has been wrongly mentioned as TN-46-D-8083 instead of TN-46-D-8089, which was actually engaged during the outsourcing work of sewage clearance. It is the contention of the petitioner that it was just a clerical error and he did not have any intention towards the payment made through cheques have been credited in the accounts of Agro Engineering Co-Operative Society Limited, Sivagangai and hence, there is no loss to the Municipality. However, the learned trial Judge has dismissed the petition as he was not satisfied with the submission made by the petitioner.



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6.Challenging the same, the revision has been preferred by the petitioner.

7.The learned counsel for the petitioner submitted that all that happened was only a mistake in describing the lorry number and there was no loss to the Municipality and for the clerical error committed by the petitioner, he should not be tainted with the criminal allegation.

8.The learned Additional Public Prosecutor appearing for the respondent submitted that the lorry bearing No.TN-46-D-8089 belonged to one Satishkumar, who was examined as LW2 and his service have been availed by the Municipality until 6th month of 2022, thereafter, he had sold the lorry. His statement has been obtained to that effect during the investigation. The said lorry bearing No.TN-46-D-8089 never belonged to Agro Engineering Co-Operative Society Limited, Sivagangai.

9.Firstly, during the relevant period the Agro Engineering Co-Operative Society Limited, Sivagangai ought to have been given with the contract of cleaning sewage by engaging a lorry bearing registration



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No.TN-46-D-8089. It should also be proved that the alleged lorry bearing registration No.TN-46-D-8089 belongs to the Agro Engineering Co-Operative Society Limited, Sivagangai. If the petitioner has stated that he has passed the cheques out of mistake then it ought to have been established that the other lorry bearing the right registration No.TN-46-D-8083 ought to have been utilized by the Agro Engineering Co-Operative Society Limited, Sivagangai at the relevant point of time to do sewage clearance job.

10.The original owner of the vehicle bearing registration No.TN-46-D-8089, had sold the vehicle to one Sarasu on 06.06.2012 and it is revealed from the statement of LW2, Satishkumar.

11.When there is no proof to show that neither the lorry bearing No.TN-46-D-8089 nor the lorry bearing No.TN-46-D-8083 belongs to the Agro Engineering Co-Operative Society Limited, Sivagangai and the cheques have been passed by the petitioner in respect of the vehicle bearing registration No. TN-46-D-8083 and that too, for Agro Engineering Co-Operative Society Limited, Sivagangai, which has



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not been engaged by the Municipality to do sewage clearance work, I feel prima facie materials are available to frame the charges against the accused. The very availability of the amount in the account of Agro Engineering Co-Operative Society Limited, Sivagangai for the services not rendered by them would itself a prima facie material to show that the above amount is a loss to the Municipality.

12. On perusal of the records it is seen that the learned trial Judge has elaborately dealt with about the statements given by each of the witnesses and the ownership position of the lorry involved in this case and satisfied that there are materials available to frame the charges against this petitioner.

13. Reference has also been made to the decision of the Hon'ble *Supreme Court* in the case of *Superintendent and Remembrance of Legal Affairs, West Bengal Vs Anil Kumar Bhunja and Others*, reported in *1980 1 SCR 323, 1979 INSC 157* in support of the legal position that while considering the petition to discharge, the Court has to take general considerations of the materials and cannot go



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into a roving enquiry.

14. The general materials available in this case, if considered, it will make out a case against the petitioner for the offences under Sections 120(b), 167, 409, 465, 468, 471 r/w 109 of IPC and Section 13(2) r/w 13(1)(c)(d) of Prevention of Corruption Act, 1988. As the learned trial Judge has rightly dealt the matter and found that the petition under section 239 of Cr.P.C., lacks merits and has rightly dismissed the petition, the impugned order does not require any revision.

15. In fine, this criminal revision stands *dismissed*.

04.08.2025

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



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To

1.The Special Judge,
Special Judge for trial of cases under
the Prevention of Corruption Act, Sivagangai, Sivagangai District.

2.The Inspector of Police,
Vigilance and Anti Corruption,
Sivagangai Detachment,
Crime No. 03/2017.

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



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DR.R.N.MANJULA, J.

PNM

ORDER IN

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