

Crl.A.(MD)No.869 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.08.2025

CORAM :

THE HONOURABLE **DR. JUSTICE R.N.MANJULA**

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1.Bose Kottamuthu
2.Kalaimani

... Appellants/3rd parties

versus

1.The State of Tamil nadu,
rep., by the Inspector of Police,
Vigilance and Anti-Corruption,
Trichy.

... 1st Respondent/ Complainant

2.Janakiraman
3.Vasanthi

... Respondents 2 and 3/ A1 &
A2

Prayer : Criminal Appeal filed under Section 374 of the Code of Criminal Procedure, to call for the records and set aside the portion of the order in Spl.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 so far as the appellants's property in S.No.1044/2 and 1044/3, is concerned, which is now sub-divided as S.Nos.1044/22 situated in Vilpatty Village, Kodaikanal Taluk, Dindigul District.

For Appellant : Mr.K.Kaviarasan



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For R1

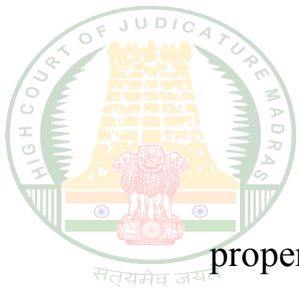
: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

JUDGMENT

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This appeal has been preferred to set aside the portion of the order made in Spl.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, so far as the appellants' property in S.Nos.1044/2 and 1044/3, is concerned, which is now sub-divided as S.No.1044/22 situated in Vilpatty Village, Kodaikanal Taluk, Dindigul District.

2. The appellants are the 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 S.Nos.1044/2 and 1044/3, to confiscate the

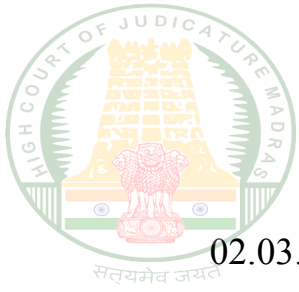


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property as the property of the crime. Aggrieved over the same, this Criminal Appeal is filed.

3. The learned counsel for the appellants submitted that the appellants had no nexus with the accused /respondent 2 and 3. The appellants have purchased Plot No.4 measuring 3100 sq.ft, which form part of the larger extent of 16 acres 15 cents in S.Nos.1044/2 and 1044/3, for which, a layout has been approved in the year 2009. The property in question has been sold by M/s.Suja Investment and Estates. After several transactions, the property came to the hands of one T.Ramadoss, on 03.06.2011 he had sold the property to the appellants vide registered sale deed dated 19.09.2024. The patta has been mutated in the name of the appellants and the plot was assigned a new S.No.1044/22.

4. In April-2025, the appellants wanted to execute a power of attorney in respect of their property and they enquired regarding the same in the Kodaikanal Sub-Registrar Office, at that time, they came to know that the land in question had been included in a confiscation list pursuant to the impugned judgment dated 25.04.2024 and in this regard, a communication dated 29.04.2024 was issued by the Inspector of Police to the Inspector General of Registration (IGR), Chennai, who in turn, sent a letter dated



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02.03.2025 to the Sub-Registrar, Kodaikanal, instructing him not to make any further transactions in respect of the properties in S.No.1044/2 and 1044/3 of Vilpatty Village.

5. The learned counsel for the appellants submitted that the Special Judge has treated all the properties standing in S.Nos.1044/2 and 1044/3 as the properties belonging to the accused 1 and 2 and that they were their disproportionate assets. As the confiscation order was general, covering the entire survey numbers without excluding the properties owned by *bona fide* purchasers, the petitioner has filed this criminal appeal seeking the relief to set aside that portion of the order of confiscation, which would impact the property purchased by these appellants.

6. The learned Additional Public Prosecutor has submitted that even after the order of confiscation has been communicated to the Inspector General of Registration, the appellants knowingly purchased the property on 19.09.2024.

7. However, the learned counsel for the appellants submitted that the Sub-Registrar himself has received the communication from the Inspector General of Registration only on 02.03.2025 and the appellants have

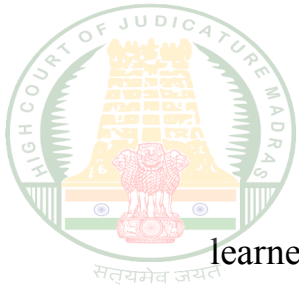


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purchased the property much earlier on 19.09.2024 and hence, their purchase was without the knowledge about the order of confiscation.

8. Considering the aforesaid submissions, this Court is of the view that all these factual matters are to be dealt by the learned trial Judge in order to make a fair appreciation of the appellants' claim and their *bona fideness* in purchasing the property in question. As the appellants were not given any opportunity at the time when the order of confiscating the property now claimed by them and the appellants have alleged that they have purchased *bona fide* from the vendor, without knowing the confiscation order, I feel it is appropriate to set aside the confiscation order, in which the appellants are interested. It is submitted that the property in question now falls under Sl.Nos.26 and 27, which include the entire extent, including the portion claimed by the appellants.

9. 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 S.C.No.91/2011 in so far as it relates to the confiscation order in respect of property in S.Nos. 1044/2 and 1044/3 as found against Sl.Nos.26 and 27 of the Schedule I of the confiscation order. Consequently, the matter is remitted back to the



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learned Special Judge to consider the matter afresh and pass appropriate orders in respect of Sl.Nos.26 and 27, after giving an opportunity to the appellants, A1 and A2 and the prosecution and allow them to make their contentions.

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Index : Yes/No
NCC : Yes/No.

Rmk

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



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R.N.MANJULA, J.,

Rmk

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