



Crl.A.(MD)No.961 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 12.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.A.(MD)No.961 of 2025

V.R.A.Narayanaswami

...Appellant/
3rd Party

Vs.

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

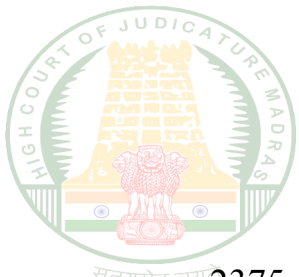
... 1st Respondent/
Complainant

2.Janakiraman

3.Vasanthi

... Respondents 2
& 3 / Accused
1 & 2

PRAYER: Criminal Appeal filed under Section 415 B.N.S.S., praying 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 dated 25.04.2024 so far as the appellant's property in S.No.1044/1 and 1044/2, is concerned, which is now sub-divided as S.No.1044/62B measuring an extent of



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2375 sq.ft. situated in Vilpatty Village, Kodaikanal Taluk, Dindigul District.

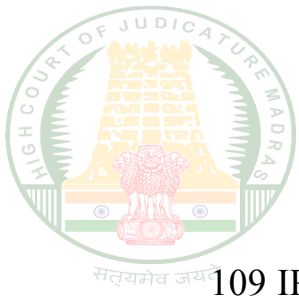
For Appellant : Mr.K.Kaviarasan

For Respondents : Mr.S.Ravi,
Additional Public Prosecutor for R1

JUDGMENT

The Criminal Appeal is directed against the portion of the order passed in Special Case No.91 of 2011 dated 25.04.2024 on the file of the Special Court for Trial of cases under Prevention of Corruption Act, Tiruchirappalli, so far as the appellant's properties measuring 2375 sq.ft. situated in Survey Nos.1044/1 and 1044/2 now sub divided as Survey No.1044/62B of Vilpatty Village, Kodaikanal Taluk, Dindigul District.

2. The appellant is a third party to the proceedings in Special Case No.91 of 2011. The first respondent registered a case in Crime No.6 of 2001 as against the respondents 2 and 3 and after investigation, final report came to be filed and the same was taken on file in Special Case No.91 of 2011 on the file of the Special Court for Trial of cases under Prevention of Corruption Act, Tiruchirappalli, for the offences under Sections 13(2) r/w 13(1)(e) of Prevention of Corruption Act and Section



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109 IPC. After trial, the learned Special Judge has found the respondents 2 and 3 guilty and convicted them. The learned Special Judge has also passed an order confiscating the properties belonging to the respondents 2 and 3, which also includes the properties subject matter of the present appeal. Against the order confiscating the properties, the present appeal came to be filed.

3. The main contention of the appellant is that the appellant had no connection whatsoever with the respondents 2 and 3 and he purchased the properties from one Esakki Durai vide sale deed dated 12.11.2024 and the said properties are part and parcel of the Survey Nos.1044/1 and 1044/2 measuring 16.50 acres, which subsequently sub divided as Survey Nos.1044/2B1A part, 1044/2B5A part and 1044/3A1 part.

4. The learned counsel appearing for the appellant would submit that after several transactions, the properties came to be purchased by the said Esakki Durai, who in turn, sold the same to the present appellant.

5. The learned counsel appearing for the appellant would submit that in a similar appeal in Crl.A.(MD)No.869 of 2025 filed by two



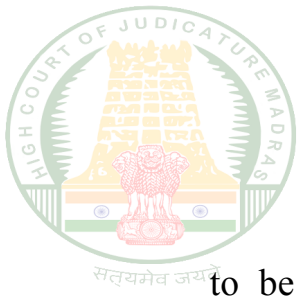
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persons, namely Bose Kottamuthu and Kalaimani, who are also third parties to the proceedings in Special Case No.91 of 2011, have also challenged the confiscation order of the properties belonging to them and this Court vide order dated 14.08.2025 considering all the aspects has passed a judgment remitting the matter back to the learned Special Judge to consider the matter afresh and pass appropriate orders in respect of the properties confiscated, after giving an opportunity to the appellants therein, accused and the prosecution and he has also produced the copy of the judgment passed in CrI.A.(MD)No.869 of 2025 on 14.08.2025.

6. The learned Additional Public Prosecutor appearing for the first respondent would submit that after the confiscation order has been communicated to the Inspector General of Registration, the appellant, after fully knowing about the same, has purchased the properties on 12.11.2024.

7. As rightly pointed out by the learned counsel appearing for the appellant, the said plea was also taken in the appeal in CrI.A.(MD)No. 869 of 2025 and this Court, by observing that all the factual matters are



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to be dealt with 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, has set aside the confiscation order, in which the appellants therein, are interested. It is necessary to refer the relevant passages in the said judgment hereunder;

“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 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



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27, which include the entire extent, including the portion claimed by the appellants.”

8. Considering the facts and circumstances, this Court is in entire agreement with the decision of the learned Judge of this Court. Hence, this Court is inclined to allow the appeal. Accordingly, this Criminal Appeal is allowed and the impugned order dated 25.04.2024 passed in Special Case No.91 of 2011 by the learned Special Judge, Special Court for Trial of cases under Prevention of Corruption Act, Tiruchirappalli, is hereby set aside in so far as it relates to the confiscation order in respect of the properties situated in Survey Nos.1044/1 and 1044/2 now subdivided as Survey No.1044/62B. The matter is remitted back to the learned Special Judge to consider the matter afresh and pass appropriate orders in accordance with law, after affording opportunities to the appellant herein, accused and the prosecution.

12.09.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm



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- 1.The Special Judge,
Special Court 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 District.



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K.MURALI SHANKAR, J.

csn

Judgment made in
CrI.A.(MD)No.961 of 2025

Dated : 12.09.2025