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CRL RC No. 812 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL RC No. 812 of 2026

1. S.Govarthana Reddy
S/o.Siva Reddy,
No.98/3A, Royachoti Road,
Near Railway gate,
Chenmmumiapet,
Kadapa,
Andhra Pradesh-516 003.
2. Smt.Basava Rama Tarakam Memorial Law
College,
Andhra Pradesh,
Rep.by its Correspondence,
Mr.Govarthana Reddy-A5
No.98/3A, Royachoti Road,
Near Railway gate,
Chenmmumiapet,
Kadapa,
Andhra Pradesh-516 003.

..Petitioner(s)

Vs

State rep.by,
Assistant Commissioner of Police,
EDF-I,
Central Crime Branch,
Vepery,
Chennai-600 007.

..Respondent(s)

PRAYER : Criminal Revision Case filed under Section 397 read with Section 401 of Code of Criminal Procedure, 1973 to call for the entire records pertaining to the impugned order dated 12.12.2025 made in Crl.MP.No.77 of 2025 in CC.No.13 of 2022 pending on the file of the Ld. Special Court for the cases under Prevention of corruption Act, At Chennai and set aside the same.



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For Petitioner(s):

Mr.B.Vijay

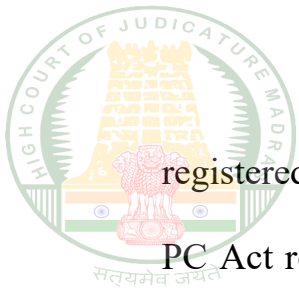
For Respondent(s):

Mr.R.Ganesh Kumar
Counsel for Government

ORDER

This Criminal Original has been filed to quash the proceedings dated 12.12.2025 made in Crl.MP.No.77 of 2025 in CC.No.13 of 2022 pending on the file of the Ld. Special Court for the cases under Prevention of corruption Act, At Chennai.

2. The case of the prosecution is that A1 B.Vipin, while being continuously employed with Southern Railways, unlawfully pursued and completed an L.L.B Course without fulfilling the mandatory attendance requirements. In furtherance of a criminal conspiracy with A4, A5 and A6, false attendance records and certificates were allegedly created and used to make it appear that A1 had regularly attended class, thereby enabling him to obtain his law degree. When A1's enrolment application was rejected by the Bar Council of Tamil Nadu and Puducherry, A2 Ulaganathan and A3 Mohan Das allegedly assured A1 that they could influence Bar Council officials and secure his enrolment by paying bribes. Pursuant to this A1 allegedly paid Rs.25,000/- to A2 and A3 as part of the proposed bribe amount and later attempted to approach Bar Council officials for the same purpose. Based on these allegations FIR was



registered in Crime No.23 of 2019 for the offences under Section 8 and 12 of PC Act read with Section 420 of IPC and the case was transferred to Assistant

Commissioner of Police, High Court Range and thereafter the Commissioner of Police, Chennai transferred the case files of CCB, Chennai and FIR in Crime No.325 of 2019 was registered and after investigation, the final report was filed and the same was taken cognizance in C.C.No.13 of 2022.

3. The learned counsel for the petitioner would submit that the petitioners are arrayed as A5 and A6 and they are nothing to do with the offences as alleged by the prosecution. The only materials available as against the petitioners is the confession statement of the accused witnessed as L.W.53 and L.W.55. Except the confession statement, no other materials available to substantiate as against the petitioner.

4. Further the learned counsel for the petitioner relied on the judgement of the Hon'ble Supreme Court in **Karan Talwar Vs. State of Tamil Nadu reported in 2024 SCC Online SC 3803**, wherein it is held as follows:

11. When this be the position, the question is whether the two Courts were justified in holding that there is prima facie case against the appellant to proceed against him. In this contextual situation, it is relevant to refer to the decision of this Court in Dipakbhai Jagadishchandra Patel v. State of Gujarat and Anr.5 Paragraphs 23 and 24 of the said decision are relevant for the purpose of this case and they



read thus: -

“23. At the stage of framing the charge in accordance with the principles which have been laid down by this Court, what the court is expected to do is, it does not act as a mere post office. The court must indeed sift the material before it. The material to be sifted would be the material which is produced and relied upon by the prosecution. The sifting is not to be meticulous in the sense that the court dons the mantle of the trial Judge hearing arguments after the entire evidence has been adduced after a full-fledged trial and the question is not whether the prosecution has made out the case for the conviction of the accused. All that is required is, the court must be satisfied that with the materials available, a case is made out for the accused to stand trial. A strong suspicion suffices. However, a strong suspicion must be founded on some material. The material must be such as can be translated into evidence at the stage of trial. The strong suspicion cannot be the pure subjective satisfaction based on the moral notions of the Judge that here is a case where it is possible that the accused has committed the offence. Strong suspicion must be the suspicion which is premised on some material which commends itself to the court as sufficient to entertain the prima facie view that the accused has committed the offence.

24. Undoubtedly, this Court has in [Suresh Budharmal Kalani \[Suresh Budharmal Kalani v. State of Maharashtra, \(1998\) 7 SCC 337\]](#), taken the view that confession by a co-accused containing incriminating matter against a person would not by itself suffice to frame charge against it. We may incidentally note that the Court has relied upon the judgment of this Court in [Kashmira Singh v. State of M.P. \[Kashmira Singh v. State of M.P., \(1952\) 1 SCC 275\]](#). We notice that the observations, which have been relied upon, were made in the context of an appeal which arose from the conviction of the appellant therein after a trial. The same view has been followed undoubtedly in other cases where



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the question arose in the context of a conviction and an appeal therefrom. However, in Suresh Budharmal Kalani [Suresh Budharmal Kalani v. State of Maharashtra, (1998) 7 SCC 337], the Court has proceeded to take the view that only on the basis of the statement of the co-accused, no case is made out, even for framing a charge.” (underline supplied)

12. As noted hereinbefore, the sole material available against the appellant is the confession statement of the co-accused viz., accused No.1, which undoubtedly cannot translate into admissible evidence at the stage of trial and against the appellant. When that be the position, how can it be said that a prima facie case is made out to make the appellant to stand the trial. There can be no doubt with respect to the position that standing the trial is an ordeal and, therefore, in a case where there is no material at all which could be translated into evidence at the trial stage it would be a miscarriage of justice to make the person concerned to stand the trial.

5. On perusal of the records and submissions made by the counsels on either sides, it revealed that, there are totally 6 accused in which, petitioners are arrayed as A5 & A6. The first accused while he was working in Railway Department from the year 2015 to 2017, had studied LLB at A6/Smt. Basava Rama Tarakam Memorial College owned by A5. The first accused without getting permission from the employer joined in the 6th accused College with the influence of the 5th accused. Further, the 1st accused submitted voluntary retirement service from the Railway Department on 20.05.2017 and subsequently in the year 2019, he submitted enrolment application to the Bar Council of Tamil Nadu and Puducherry at Chennai to enrol himself as an



advocate. All the accused persons conspired together and committed very serious offence. Therefore, there are materials to attract the charges under Sections 8 and 12 of PC Act read with Section 420 of IPC . That apart, the petitioner filed discharge petition before the trial Court and the same was dismissed in Crl.M.P.NO.77 OF 2025 in C.C.No.13 of 2022. Therefore, the above judgement is not applicable to the case on hand. Hence, this Court is not inclined to interfere in the order passed in Crl.M.P.No.77 of 2025.

6.Accordingly, this Criminal Revision Case is dismissed. However, the trial Court is directed to complete the trial as expeditiously as possible. Consequently, connected miscellaneous petition is closed. No costs.

08-06-2026

SMA

To

1. The Special Judge (Prevention of Corruption Act),
Chennai.
2. The Assistant Commissioner of Police,
EDF-I,
Central Crime Branch,
Vepery,
Chennai-600 007.
3. The Public Prosecutor,
Madras High Court.



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G.K.ILANTHIRAIYAN, J.

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