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CRL OP No. 34239 of 2025
in CRL A SR NO. 89212 OF 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 34239 of 2025
in
CRL A SR NO. 89212 OF 2025

The State by
Inspector of Police
SPE, CBI, ACB, Chennai.

Petitioner/Complainant

Vs

1.K.Venugopal
S/o.Shri.V.Krishnamoorthy,
Examining Officer, Appraising Main
Section, Chennai Customers Air Cargo
Complex, Meenambakkam, Chennai
and residing at No. 10, Perumal koil
street, Old Pallavaram, Chennai 600
093.

2.V.Padmavathy
W/o.K.Venugopal, No. 10, Perumal
koil street, Old Pallavaram, Chennai
600 093.

Respondents/Accused

CRL A SR No. 89212 of 2025

1. The State Rep By

Appellant(s)

Vs



CRL OP No. 34239 of 2025
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1. Shri K.Venugopal

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Respondent(s)

PRAYER: Criminal Original Petition filed under Section 378(3) of Cr.P.C., praying to grant leave to file this Criminal Appeal against the judgment dated 25.08.2025 in C.C.No.28 of 2009 of the file of IX Additional Special Court for CBI Cases, Chennai.

For Petitioner : Mr.K.Srinivasan,
Special Public Prosecutor
for CBI Cases
For Respondents : Mr.S.Suresh

ORDER

This petition filed to grant leave to the petitioner to file an appeal against the acquittal of the respondents.

2.The learned Special Public Prosecutor appearing for the petitioner submitted that a case registered for dis-proportionate Assets against the respondents along with one Mangalam in C.C.No.28 of 2009.

3.The prosecution case is that first respondent, an Examiner in Customs Department, Air Cargo Complex, Meenambakkam, Chennai and second respondent his wife and Mangalam/A3 his mother, who died during trial. All joined together amassed wealth. The check period is between



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01.01.1998 and 29.05.2008. Prior to the present case, earlier a trap case registered against the first respondent and he was prosecuted in C.C.No.36 of 2008. During investigation in the trap case, house search conducted and a cash of Rs.26,82,596/- found. The first respondent unable to give any explanation. Thereafter, dis-proportionate asset case registered and the respondents prosecuted in C.C.No.28 of 2009. The trial Court misread the evidence and taken a wrong approach against the respondents. In the judgment at page No.45, Statement-B-Assets at the end of the check period as on 29.05.2008 listed, wherein ten items shown out, of which, the 2nd item pertains to vacant Plot No.2 at Thiruthani Nagar, Zamin Pallavaram, Tambaram valued around Rs.13,75,380/- and 8th item pertains to cash seized from the residence of first respondent on 29.05.2008 a sum of Rs.26,82,596/- and further the 9th item pertains to advance amount paid to Smt.Vicintha Roselin by the first respondent for purchase of residential house at Adambakkam a sum of Rs.18,00,000/-. The trial Court had given a finding that the cash of Rs.26,82,596/- was available with the third accused belongs to Mangalam, mother of first respondent, who entered into a sale agreement with one Vijaya Suresh Tawera, who paid the advance amount to Late. Mangalam.



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4. According to the learned Special Public Prosecutor this contention by the respondents claiming property purchased by A3/mother of first respondent and entering into a sale agreement with Vijaya Suresh Tawera and the sale agreement document, all found to be false and claim made based on fabricated documents. The amount of Rs.26,82,596/- and Rs.13,75,380/-, in total, works out to Rs.40,57,976/- is shrouded with mystery, highly doubtful. The dis-proportionate Asset is valued around Rs.74,65,696/-. If the evidence is properly read and this amount is disallowed, a dis-proportionate asset of 50% is straightaway proved. Hence, the judgment of acquittal rendered by the trial Court is perverse and to be set aside.

5. The learned Special Public Prosecutor submitted that his contention is further fortified and substantiated in Crl.A.No.85 of 2018, which is pending before this Court and the appeal is against the judgment in C.C.No.13 of 2010 dated 30.05.2017. In C.C.No.13 of 2010, the first respondent K.Venugopal, his mother, Late.Mangalam and the agreement holder Vijay Suresh Tawera are A1 to A3. The fabrication of sale agreement and giving false explanations for the cash found in the house are subject matter in that appeal, which is the principal issue in the present appeal.



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Hence, the outcome of Crl.A.No.85 of 2018 will have a direct bearing in this case and both appeals to be decided together, and hence, prayed to grant leave to file the appeal.

6.The learned counsel for the respondent strongly opposed the contention of the petitioner submitting that the first respondent, Examiner in Customs Department. Due to Trade rivalry, a trap was thrust on him and a case in C.C.No.36 of 2008 registered. Subsequent to the trap case, house search conducted on 29.05.2008. On that day, cash of Rs.26,82,596/- seized. According to the learned counsel, this amount belongs to his mother/A3, who is now no more. The trial Court finding that there was sale agreement between Mangalam/A3 and Vijaya Suresh Tawera, had rightly given credit and acquitted the respondents. The petitioner after registering the trap case, initiated dis-proportionate asset case. During investigation, the first respondent filed a petition seeking return of cash seized from his house and produced sale agreement entered between Mangalam and Vijay Suresh Tawera, which is now projected against the respondents as though it is a false and fabricated document. He further submitted that in this case the first respondent's mother Managalam and the agreement holder Vijaya Suresh



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Tawera both no more. Hence, the entire case of the prosecution fails. By filing the above appeal, the agony of the respondents is further prolonged and first respondent's retirement benefit and other benefits all withheld. There is no merits in the contention of the petitioner/CBI.

7.Considering the submission made and on perusal of the material, this Court finds case made out by the petitioner and *prima-facie* materials available to entertain this petition. The contention of the respondents can be decided at the time of final hearing of the appeal.

8.Hence, leave granted.

12-02-2026

Note: Registry is directed to number the Criminal Appeal, if it is otherwise in order and post the same **for admission on 18.02.2026.**

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M.NIRMAL KUMAR, J.

rsi

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