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Crl.O.P.No.32517 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 26.02.2026

PRONOUNCED ON : 17.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.32517 of 2025 and
Crl.M.P.Nos.22595 & 22599 of 2025

Dr.M.Rajaboopathi

... Petitioner

Vs.

State rep. by
Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Salem,
Crime No.3/AC/2014,
Salem District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to call for the records relating to the criminal
case in Spl.C.C.No.9 of 2020 on the file of the learned Special Court for Trial
of Cases under Prevention of Corruption Act, Salem, quash the same in so far
as the petitioner is concerned by allowing this Criminal Original Petition.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.S.Udayakumar,
Government Advocate (Crl. Side)



ORDER

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This Court on 17.12.2025 had passed the following order:

“On an earlier occasion i.e. 10.12.2025, this Court passed the following order:

“The petitioner/accused A2 in Spl.C.C.No.9 of 2020 facing trial for offences under Section 120 B, 409, 420, 465, 468, 182, 471 and 477 A IPC and Sections 13(2) r/w 13(1)(c) and (d) of the Prevention of Corruption Act, has filed this quash application.

2.The learned counsel for the petitioner submitted that the petitioner was a Research Scholar under A1, who was his guide. A1 is a Professor and Head of the Department of Physics/Principal Investigator, DST, DRDO and UGC projects, Periyar University, Salem District during the period from 01.12.2004 to 23.07.2020. The petitioner was DRDO Research Scholar, Periyar University, Salem, during the period from 19.11.2009 to 31.08.2012.

3.The case against the petitioner is that the petitioner had made entries in the registers of the university without receipt of chemicals and other articles in the University and thereby, abetted A1 to make a claim of Rs.3,29,381/-. As regards the petitioner, the petitioner is said to have written bills to the tune of Rs.1,85,735/-. With regard to the other Scholar, A3, it is Rs.1,43,646/-. Both the Research Scholars have paid the amount and as such, University has been paid back the amount of Rs.3,29,381/-. There was some animosity against A1 and a case in crime No.3 of 2014 registered and thereafter, four charge sheets have been filed. The petitioner has been included in the second charge



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sheet. He further submitted that though 64 witnesses have been listed in the charge sheet, as regards the petitioner there are only 6 witnesses.

4.LWs24 to LWs26 who are three consolidated paid staff in the University attached to the department of Physics, forced to state that the petitioner had written the registers pertaining to purchase of chemicals with regard to the DRDO Project.

5.LW 27 is the Assistant Engineer TNEB and LW 28 is an Educational Officer in the School Department. Both have been examined to prove that the petitioner had given specimen writings. As regards the other witness, i.e., LW 62 Scientific officer and handwriting expert, the specimen signature of the petitioner has been recorded. The Scientific officer/ the handwriting expert states Q1 to Q106 pertains to Q1, Q107 to Q151 and Q152 to Q156 is Q2 and Q157 to Q165 is Q3 and Q161 to Q165 is Q4. Assigning the same, he had conducted his study. As regards the petitioner, Q2 had been compared with S2 and found that both had been written by one and the same person. From the petitioner, specimen signature i.e S1 to S42 have been received, which was compared and studied with the question documents i.e., Q1 to Q106 found similarities.

6.The contention of the learned counsel is that the petitioner is a first generation Post Graduate hailing from a remote village in Thanjavur. He lost his father at a young age and he was brought up by his mother with great difficulty. The petitioner as a Research Scholar under the professional guidance and he goes by the guide's instructions who is A1 in this case.



7.The admitted case of the prosecution is that the petitioner did not have any financial benefit out of the transactions, if at all, it was for A1. Further, A1 in this case, is a guide, who is having dominant position on the petitioner and the petitioner cannot abet A1 in any manner and he has to follow the dictum of his guide and the entries made in the registers are not his duties and on the compulsion of A1, he had made such entries not knowing the seriousness and consequences. If at all, there was any short supply or non receipt of materials for the indent placed by the Head of the Department, the financial department processed and sent for approval to the Vice Chancellor's Office and thereafter payments made in none of these processes, the petitioner is involved. Only for the reason that there are some similarities in the petitioner's writings and disputed documents he is now facing prosecution.

8.The learned Government Advocate (Crl. Side) strongly opposed the petitioner's contention and submitted that in this case, apart from abetment, the petitioner is also charged under conspiracy, which cannot be apparently seen, but it has to be inferred on the materials and the evidence and that cannot be decided in this petition. He further submitted that the role of the petitioner is that being Research Scholar of DRDO project, he had falsely fabricated cash receipts in the following names;

- 1.Raasi Scientific Suppliers
2. Sri Sai Scientific Company
3. Jothi Paper Mart and Stationeries
4. Photonics
5. New Jupiter Company
6. V Net Stationeries
7. Soorya Printers



8. Captain Xerox
9. College Xerox

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and he had also fabricated and forged quotations, prepared comparative statement and supply orders as if the quotations for chemicals were obtained from the non existing bogus chemical companies. The petitioner had written the forged cash bills and made false entries and stock registers. Further, out of the above companies, three companies namely, Sri Sai Scientific Company, Raasi Scientific Suppliers and Jothi Paper Mart and Stationeries are non existing companies and only cash bills have been printed. The petitioner had written the abovesaid 106 forged cash bills as if the chemicals and stationery items have been purchased to the tune of Rs.50,024.50 from the non existing firms. At this stage, this Court enquired with the Public Prosecutor to produce materials to show that 106 bills which are said to have been written by the petitioner were sent for chemical examination to study the question documents along with the corresponding specimen signature of the petitioner.

9.It is submitted that the case is posted before the Special Court for Trial of Cases under Prevention of Corruption Act, Salem, on 11.12.2025 for framing of charges. Hence, the petitioner requested some protection.

10.In view of the above, the trial Court is directed to defer the framing of charges in the above case to some other day after 17.12.2025.

11. List the matter on 17.12.2025.”

2.Today, when the matter was taken up for hearing, the leaned Govt. Advocate (Crl.Side) appearing for the respondent filed an additional counter, confirming that Forensic Department



had clearly given a report that the petitioner had written Q1 to Q106.

3.The learned counsel for the petitioner submitted that the petitioner is the first graduated in his family, hailing from an ordinary background and with his sheer dedication and hard work, he focused only on his studies and has reached this level. In fact, two foreign governments had given scholarships, considering his work and research papers. He further submitted that as admitted portion of the forensic report, the petitioner is not a beneficiary and not availed any benefit, either pending or otherwise, from these transactions, and that he only filled up the bills at the behest of his guide A1.

4.In support of his contention, the petitioner relied upon the following judgements:

1. A.Karunanithi Vs. The State Rep.by Inspector of Police reported in 2025 INSC 967.

2.Ralph V.Manohar Vs. The State Rep.by Inspector of Police, Central Crime Branch, EDF-II, Team IV, Vepery, Chennai – 7 reported in Crl.O.P.No.4252 & 4743 of 2024.

3.C.K.Jaffer Sharief Vs. State (Through CBI) reported in (2013) 1 Supreme Court Cases 205.

4.Alamgir Vs. State (NCT, Delhi) reported in (2003) 1 Supreme Court Cases 21.



5.As regards the first judgment, the learned counsel for the petitioner submitted that the apex Court considered that when there is no charge of abetment and nothing to prove regarding connivance with the other accused, he is entitled to the benefit of doubt and acquittal.

6.In the second judgment, this Court observed that there was nothing to show that the petitioner therein had any knowledge of the overt acts of the other persons. Further, no witness had spoken against the petitioner, except for two witnesses, and even if their statements are uncontroverted, there can be no criminality attributed to the acts of the petitioner.

7.With regard to the third judgment, the petitioner submitted that the statements of the witnesses confirmed that the petitioner had performed certain tasks to assist his guide A1 and he had not obtained any pecuniary advantage by any corrupt or illegal means or by abuse of the position.

8.The fourth judgment was relied upon for the proposition that it is well settled that expert opinion must always be received with great caution and perhaps none so with more caution than the opinion of a handwriting expert and it is unsafe to base a conviction solely on expert opinion without substantial corroboration.



9. *In this case, the obtaining of the specimen signature, which is now projected as an admitted signature of the petitioner based on the statements of PWs 27 & 28, is not in accordance with law. The petitioner was not aware of the same and no prior permission from the Court was obtained before obtaining the signature and in such circumstances, the signatures A1 to A26 and S1 to S42 projected against the petitioner are disputed ones.*

10. *The petitioner further submitted that he is now at a crucial stage of his career having completed his Doctorate and now employed in SRM University as lecturer. By his sheer merit and hard work, he attained the present position and is being accepted in society with respect. All these prospects would be seriously affected, if the petitioner is made to face the prosecution. On instructions, the learned counsel submitted that the petitioner, even today, is ready to be a witness in this case.*

11. *The learned Govt. Advocate seeks small accommodation to verify whether the petitioner can be taken as a witness and to report the same.*

12. *At his request, post this matter on 12.01.2026. Till such time, there will be a stay of proceedings as against the petitioner alone."*



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2.In continuation and conjunction to the above orders, this Court is passing the following order.

3.The petitioner filed an affidavit admitting the role played by him in this case at the instance of A1 who was the guide under whom the petitioner joined as a Research Scholar for Ph.D. programme. The petitioner further admits that A1 instructed him to fill up the blank receipts given by A1, later, A1 signed the bills and stock register maintained by him, thereafter, the chemicals and stationary items were purchased. At any point of time, the petitioner not obtained any financial benefit, which is not in dispute. The petitioner simply filled up the receipts and made entries in the stock register as directed by his guide/A1. The petitioner's apprehension was that unless he obeyed the instruction of his guide/A1, he would not be permitted to complete Ph.D. in view of dominant and fiduciary position. The petitioner gave an undertaking that he would appear before the trial Court as witness and give evidence as to the circumstances of the case and the role played by him on compulsion. For better appreciation, scanned reproduction of the petitioner's affidavit is as follows:



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT MADRAS

Cri.O.P.No. 32517 of 2025

Dr. M. Rajaboopathi, Ph.D.,
S/o. late N.Mani,
Door.No. 99, North Street,
Karuvakurichi Post,
Mannarkudi Taluk,
Thiruvavur District.

-Petitioner/
-Accused No. 2

Vs

State rep. by
The Inspector of Police,
Vigilance and Anti-Corruption,
Salem,
Crime No. 3/AC/2014
Salem District.

-Respondent/
-Complainant.

AFFIDAVIT OF DR.M. RAJABOOPATHI

I, Dr.M.Rajaboopathi S/o. late N.Mani, aged 41 years, residing at Door.No.99, North Street, Karuvakurichi Post, Mannarkudi Taluk, Thiruvavur District now temporarily come down to Chennai do hereby solemnly affirm and sincerely state as follows:-

1. I am the petitioner herein and A2 in the above Spl.CC.No.9 of 2020 pending trial on the file of the Ld. Special Court for PC Act Cases, Salem. As such I am well acquainted with the facts and circumstances of the case.

2. I submit that on 21.03.2014, the respondent registered a case in Crime No. 03/AC/2014 against A1- Dr. V. Krishnakumar, Professor and Head, Department of Physics, Periyar University, Salem on the basis of a confidential enquiry for the alleged offences under Sections 406, 409, 465, 468, 471 and 477A IPC and Sections 13(2) r/w 13 (1)(c) of the Prevention of Corruption Act, 1988 alleging that the said accused had committed the offence between March 2008 and July 2011.



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3. I submit that I am hailing from a remote village in Tiruvarur District. My mother is a widow. I completed my schooling at Karuvakurichi Village and Mannargudi. I did B.Sc., (Physics) in the Govt. Arts College, Mannargudi, and I completed M.Sc., (Physics) in Periyar University, Salem. Thereafter, I joined Ph.D under the guidance of A1 for the period between 2009 and 2014. In between, I was sent to Finland for research work for a period of 2 years through funding support received from UGC and CIMO, Finland. After completion of Ph.D, I went to Shandong University, China to do my post doctorate studies. I came back to India on 20.06.2018. On my arrival at Trichy Airport, I was informed about the FIR No. 03/AC/2014.

4. I submit that I was called by the respondent for enquiry. During the course of the investigation, I was informed that my guide/A1 had misused the research scholars like me to fill up the bills or make entries in the stock register to get unlawful monetary gain to the tune of Rs. 1,85,735/-. I was the DRDO Research Scholar, Salem for the period between 19.11.2009 and 31.08.2012. A1 being the principal investigator was authorized to get research grants to carryout the research works. On the request made by A1, the University used to sanction the funds on the basis of the invoices submitted. Thereafter, on receipt of the materials for the research, A1 used to obtain stamped receipts/acknowledgement from the suppliers and it would be kept in the expenditure voucher file.

5. I submit that A1 had abused his official position and instructed me to fill up the blank receipts given by him in my handwriting. Later A1 had signed those bills and the stock register maintained by him. I was simply instructed to fill up 106 bills at the instance of A1, as if, the chemicals and stationery items were



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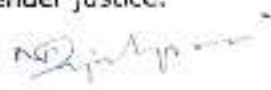
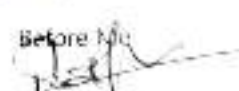
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purchased. Indisputably, I have not obtained any financial benefit, whereas, I had filled up the bills as instructed by the principal investigator/A1, who was my guide for PhD program. I have simply filled up the receipts and made entries in the stock register as directed by A1. Otherwise, A1 would not have allowed me to complete my Ph.D program in view of his fiduciary position.

6. I submit that I have neither obtained any financial gain nor signed the bills or stock register. During the course of the investigation, without knowing the consequences, I was not willing to place the above facts before the respondent. Now, I have decided to appear as a prosecution witness to depose the truth before the Ld. Trial Court in Spl. CC. No. 9 of 2020. I undertake to appear before the Ld. Trial Court as a witness and give evidence as to the circumstances under which, I was made to write the bills and the stock registers as instructed by A1. Therefore, I pray this Hon'ble Court to permit me to appear as a witness in the above Spl. CC. No. 9 of 2020 on the file of the Ld. Special Court for PC Act Cases, Salem, and Quash the criminal case against me and thus render justice.

It is, therefore, prayed that this Hon'ble Court may be pleased to record this undertaking affidavit and permit me to appear as a witness in the above Spl. CC. No. 9 of 2020 on the file of the Ld. Special Court for PC Act Cases, Salem, to depose the truth, and Quash the above criminal case against me and thus render justice.

Solemnly affirmed at Chennai on this the 19th day of January, 2026 and all the above contents are explained in Terms to the deponent and the deponent understood the same and put his signature in my presence:-


Before Me

Advocate, Chennai

C. A. RAMANAN
ADVOCATE (E.No : 535 of 1921)
137, Law Chamber, High Court Buildings,
Chennai - 600 104. Ph : 55521 43784



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4.The Investigating Officer viz., Inspector of Police, Vigilance and Anti-Corruption, Salem filed a written submission dated 03.02.2026 that if the petitioner stands by his affidavit that he is ready to give evidence regarding the circumstances under which he was made to write the bills and stock registers as instructed by A1 and ready to give evidence with respect to non purchase of materials/chemicals by A1, the prosecution has no objection to the petitioner being considered as an Approver in this case.

5.The Hon'ble Apex Court in the case of ***A.Srinivasulu v. State Represented by the Inspector of Police*** reported in ***(2023) 13 SCC 705*** held that the Special Court itself is competent to take cognizance and also empowered to grant pardon. It would be apposite to extract the paragraph Nos.78, 79 & 80 which are as follows:

“78.But in cases where a Special Court itself is competent to take cognizance and also empowered to grant pardon, the procedure under Section 306 of the Code gets bypassed, as held by this Court in State of T.N. v. V. Arul Kumar [State of T.N. v. V. Arul Kumar, (2016) 11 SCC 733 : (2017) 1 SCC (Cri) 381 : (2016) 2 SCC (L&S) 715] . An argument was advanced in Arul Kumar [State of T.N. v. V. Arul Kumar, (2016) 11 SCC 733 :



(2017) 1 SCC (Cri) 381 : (2016) 2 SCC (L&S) 715] (as seen from para 20 of the Report) that Section 306 of the Code has no application to cases relating to offences under the PC Act. In support of the said argument, the decision in P.C. Mishra v. State (CBI) [P.C. Mishra v. State (CBI), (2014) 14 SCC 629 : (2015) 1 SCC (Cri) 471] was also relied upon. While dealing with the said contention, this Court held in Arul Kumar [State of T.N. v. V. Arul Kumar, (2016) 11 SCC 733 : (2017) 1 SCC (Cri) 381 : (2016) 2 SCC (L&S) 715] as follows : (Arul Kumar case [State of T.N. v. V. Arul Kumar, (2016) 11 SCC 733 : (2017) 1 SCC (Cri) 381 : (2016) 2 SCC (L&S) 715] , SCC pp. 745-46, para 21)

“21. Sub-section (1) of Section 5, while empowering a Special Judge to take cognizance of offence without the accused being committed to him for trial, only has the effect of waiving the otherwise mandatory requirement of Section 193 of the Code. Section 193 of the Code stipulates that the Court of Session cannot take cognizance of any offence as a court of original jurisdiction unless the case has been committed to it by a Magistrate under the Code. Thus, embargo of Section 193 of the Code has been lifted. It, however, nowhere provides that the cognizance cannot be taken by the Magistrate at all. There is, thus, an option given to the Special Judge to straightaway take cognizance of the offences and not to have the committal route through a Magistrate. However, normal procedure prescribed under Section 190 of the Code empowering the Magistrate to take cognizance of such offences, though triable by the Court of Session, is not given a go-by. Both the alternatives are available. In those cases where charge-sheet is filed before the Magistrate, he will have to commit it to the Special



Judge. In this situation, the provisions of Section 306 of the Code would be applicable and the Magistrate would be empowered to exercise the power under the said provision. In contrast, in those cases where Special Judge takes cognizance of offence directly, as he is authorised to do so in view of Section 5(2) of the PC Act, 1988, Section 306 of the Code would get bypassed and as the Special Judge has taken cognizance, it is Section 307 of the Code which would become applicable. Sub-section (2) of Section 5 of the PC Act, 1988 makes this position clear by prescribing that it is the Special Judge who would exercise his powers to tender of pardon as can clearly be spelled out by the language employed in that provision. Section 5(2) is to be read in conjunction with Section 5(1) of the PC Act, 1988. The aforesaid legal position would also answer the argument of the learned counsel for the respondent based on the judgment of this Court in A. Devendran [A. Devendran v. State of T.N., (1997) 11 SCC 720 : 1998 SCC (Cri) 220] . In that case, this Court held that once the proceedings are committed to the Court of Session, it is that court only to which commitment is made which can grant pardon to the approver. The view taken by us is, rather, in tune with the said judgment.”

79. In other words, this Court recognised in Arul Kumar [State of T.N. v. V. Arul Kumar, (2016) 11 SCC 733 : (2017) 1 SCC (Cri) 381 : (2016) 2 SCC (L&S) 715] two types of cases, namely, (i) those which come through the committal route; and (ii) those where cognizance is taken directly by the Special Judge under Section 5(1) of the PC Act. In the second category of cases, the Court held that Section 306 of the Code would get bypassed.



80. Therefore, it is clear that when the Special Court chooses to take cognizance, the question of the approver being examined as a witness in the Court of the Magistrate as required by Section 306(4)(a) does not arise. Shri Padmesh Mishra, learned counsel for the respondent is therefore right in relying upon the decisions of this Court in Sardar Iqbal Singh v. State (UT of Delhi) [Sardar Iqbal Singh v. State (UT of Delhi), (1977) 4 SCC 536 : 1978 SCC (Cri) 1] and Yakub Abdul Razak Memon v. State of Maharashtra [Yakub Abdul Razak Memon v. State of Maharashtra, (2013) 13 SCC 1 : (2014) 7 SCC (Cri) 1].”

6. From the above narration, and in view of the petitioner coming forward to stand as a witness and disclose all the true facts known to him regarding his overtact and the circumstances under which he was compelled to act, and further considering that the respondent has no objection to the petitioner being taken as an Approver and witness in this case, this Court directs the respondent viz., Inspector of Police, Vigilance and Anti-Corruption, Salem to file appropriate petition before the Special Court for Trial of Cases under Prevention of Corruption Act, Salem (trial Court) to consider taking the petitioner as Approver in Special C.C.No.9 of 2020. On such petition is filed, the trial Court to act accordingly.e



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7. With the above direction, this Criminal Original Petition stands disposed of. Consequently, connected Criminal Miscellaneous Petitions are closed.

17.03.2026

Speaking order/Non-speaking order
Index: Yes/No
Internet: Yes/No
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To

1. The Special Court for Trial of Cases under Prevention of Corruption Act, Salem.
2. The Deputy Superintendent of Police, Vigilance and Anti-Corruption, Salem, District.
3. The Public Prosecutor, Madras High Court.



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M.NIRMAL KUMAR, J.

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PRE-DELIVERY ORDER IN
Crl.O.P.No.32517 of 2025

17.03.2026