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Crl.M.P(MD)No.19583 of 2025

Crl.M.P(MD)No.19583 of 2025
in
Crl.A(MD)SR.No.81940 of 2025

N.MALA, J.

This petition is filed to condone the delay of 527 days in filing the above Criminal Appeal.

2.The petitioner purchased the property in S.No.1044/73, measuring an extent of 2076.25 square feet, at Vilpatty Village, Kodaikanal Taluk, Dindigul District. The above said property was originally a part and parcel of S.Nos.1044/2 part and 1044/3 part measuring a larger extent of two acres. The said property belonged to one M/s.Suja Investments and Estates, which plotted out the lands and formed a lay out in the name and style of Elite Garden. The petitioner purchased the property from one S.P.Gowtham, under a sale deed dated 19.02.2025 vide Document No.384 of 2025 on the file of the Sub Registrar Office, Kodaikanal. The petitioner also got the revenue records mutated in her name by obtaining a patta in Patta No.13622. While so, to the shock and surprise of the petitioner, she came to know that the property was confiscated by a judgment dated 25.04.2024 in



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Spl.S.C.No.91 of 2011, of the learned Special Judge for Trial of Cases under Prevention of Corruption Act, Tiruchirappalli, wherein, one V.Janakiraman, Ex-Sub Registrar, Kodaikanal and his wife namely Vasanthi were convicted for acquiring disproportionate assets. The Inspector of Police, Vigilance and Anti Corruption, Trichy issued a communication dated 29.04.2024 to the Inspector General of Registration, Chennai, regarding the confiscation of the properties of the aforesaid persons which included the petitioner's property. The petitioner as a third party to the proceedings, was not aware of the aforesaid proceedings. The petitioner further states that she came to know about the confiscation order only in the third week of November 2025, and hence there occurred a delay of 527 days in filing the criminal appeal, which was neither wilful nor wanton.

3.The respondent filed a counter denying the averments made in the affidavit. The respondent further stated that the petitioner and her predecessor had full knowledge of the tainted nature of the property even during the preliminary enquiry. While so, with a view to drag on the confiscation proceedings, the petitioner has preferred the appeal. The respondent therefore prayed for dismissal of the application.



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4.Heard both sides and perused the materials available on record.

5.From the averments made in the affidavit, it is clear that the petitioner is only a third party to the proceedings. There is no material on record to establish that the petitioner had knowledge of the confiscation proceedings. In such circumstances, knowledge cannot be presumed merely on the basis of a bare denial. This Court being satisfied with the explanation offered in Paragraph No.6 of the affidavit filed in support of the petition, is inclined to condone the delay of 527 days in preferring the appeal.

6.Accordingly, the petition is ordered and the delay of 527 days in filing the criminal appeal is condoned. Registry is directed to number the appeal if it otherwise in order and list the case for admission.

20.01.2026

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