

R.Subramanian vs State Rep. by

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Court : Chennai

Decided On : Apr-30-2025

Judge : Honourable Mr Justice M. Nirmal Kumar

Appeal No. : CRL MP/5231/2025

Appellant : R.Subramanian

Respondent : State Rep. by

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 30.04.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR in CrI.A.No.58 of 2024
R.Subramanian Formerly Tahsildar, Taluk Office, Mylapore, Chennai -
600 028. ... Petitioner

Versus

State Rep by The Inspector of Police, Vigilance and Anti-Corruption,
Special Investigation Cell, Chennai. ... Respondent PRAYER : Criminal

Miscellaneous Petition filed under Sections 427(e) r/w 500 of BNSS, praying to direct the learned Special Court for the cases under Prevention of Corruption Act, Chennai to return the sum of Rs.8,20,400/- to the petitioner as interim custody, which was seized in the case registered by the respondent police in above said Crime No.23 of 2019, in the custody of the learned Special Court for the cases under Prevention of Corruption Act, Chennai and as mentioned in its judgment dated 06.10.2023 passed in C.C.No.6 of 2023 pending above Criminal Appeal.

Petitioner : Mr.K.Prabakar For Respondent : Mr.L.Baskaran Government Advocate (Crl. Side)

ORDER

The petitioner/accused in C.C.No.6 of 2021 was convicted by the trial Court by the judgment dated 06.10.2023 and sentenced to undergo four years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for three months for offence under Section 7 of the Prevention of Corruption Act, against which, the petitioner preferred the above appeal in Crl.A.No.58 of 2024.

2.The above miscellaneous petition has been filed by the petitioner seeking return of a sum of Rs.8,20,400/-, since, the trial Court had given a finding that prosecution failed to establish that the said amount are ill-gotten money and hence the said cash to be returned to the accused officer/petitioner after the appeal time is over. Further the above amount does not form part of any charge.

3.The learned Government Advocate strongly opposed the petitioners contention and submitted that the petitioner was charged for demanding bribe amount from the de-facto complainant. On the complaint of the de-facto complainant, trap was laid and trap proved successful and the

petitioner was caught red handed while receiving the bribe amount. Before the trial Court PW1 to PW11 examined, Exs.P1 to P25 marked and M.O.1 to M.O.5 produced. Pursuant to the trap case, a search was conducted in the office of the petitioner as well at his residence and the amount of Rs.39,500/- seized from the petitioners office and Rs.7,80,900/- from his house, which was not projected as case property, though it was seized during investigation in Crime No.23 of 2019, which culminated into C.C.No.6 of 2021. He further submitted that pursuant to the seizure of amount of Rs.8,20,400/- in this case, the amount was deposited in the Indian Bank, Madras High Court Branch as per the order of the Special Judge, Special Court for cases under the Prevention of Corruption Act. He further submitted that with regard to the

possession of unaccounted cash, now the petitioner is facing disciplinary proceedings before the Tribunal for Disciplinary Proceedings at Chennai in TDP Case No.3 of 2021. The petitioner is aware about the disciplinary case.

4.The learned counsel for petitioner submitted that this amount of Rs.7,80,900/- not produced before the Tribunal for Disciplinary Proceedings in TDP Case No.3 of 2021. He further submitted that as regards the amount of Rs.39,500/-, which was seized from the petitioners office, this amount is the left over amount after expending during 2009 Parliament Election. Since he was Assistant Returning officer, he was entrusted with the cash of Rs.2,00,000/- and this Rs.39,500/- amount left after expenditure. Any event, this amount has to be paid in the Treasury. Hence, this amount can be remitted to the Treasury and the amount of Rs.7,80,900/-, which was deposited in Indian Bank account to be produced before the Tribunal for Disciplinary Proceedings in TDP Case No.3 of 2021 along with interest.

5.The learned Government Advocate submitted that he would file appropriate petition before the trial Court seeking for return of the amount deposited with interest, if any and thereafter the said amount would be

re-deposited in the credit of TDP Case No.3 of 2021 by way of fresh fixed deposit after getting appropriate orders in TDP Case No.3 of 2021 and fixed receipt would be produced in TDP Case No.3 of 2021 before the Commissioner of Disciplinary proceedings. The petitioners right can be agitated before the Commissioner of Disciplinary Proceedings and it is for the Commissioner of Disciplinary Proceedings to pass appropriate orders on this amount.

6.Recording the above submission, this Criminal Miscellaneous Petition is disposed of. 30.04.2025 Index : Yes / No Neutral Citation : Yes/No

Speaking / Non-speaking order

rsi

M.NIRMAL KUMAR, J.

rsi To 1.The Inspector of Police, Vigilance and Anti-Corruption, Special Investigation Cell, Chennai. 2.The Special Judge, Special Court for the cases under Prevention of Corruption Act, Chennai. 3.The Public Prosecutor, High Court, Madras. in Crl.A.No.58 of 2024 30.04.2025

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