WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
12.11.2026	25.11.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

AND

THE HON'BLE MR.JUSTICE N.GUNASEKARAN

CRL RC(MD)No.846 of 2026

CNR:{HCMD010673842026}

AND

CRL RC(MD)No.1557 of 2026

Crl.R.C.(MD)No.846 of 2026:-

Directorate of Enforcement
Rep. by Assistant Director,
Chennai Zonal Office- II,
No.16, Greams Road, BSNL Building,
Tower - II, 3rd Floor, Thousand Lights,
Chennai.

..Petitioner(s)

Vs

A.Manthiramoorthy
S/o. V.Arjunan,
47B-2, Sorkkavasal North Street,
CN Village,
Tirunelveli.

..Respondent(s)

PRAYER: This Criminal Revision has been filed under Section 438 r/w. Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the order dated 13.05.2026 passed in Crl.M.P.No.70 of 2026 on the file of the Hon'ble II Additional District Judge (CBI Cases), Madurai and set aside the same and consequently,

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

direct the respondent/Accused to surrender before the Hon'ble Special Court (PMLA), Madurai, forthwith.

For Petitioner(s) :Mr.S.G.L.Rishwanth
Special Public Prosecutor

For Respondent(s) :Mr.N.Anandhapadmanabhan
Senior Counsel
for Mr.Aayiram K.Selvakumar

Crl.R.C.(MD)No.1557 of 2026:-

A.Manthiramoorthy
S/o.V. Arjunan,
47B-2, Sorkkavasal North Street,
CN Village,
Thirunelveli Post,
Tirunelveli District - 627001.

..Petitioner(s)

Vs

Directorate of Enforcement,
Rep. by the Assistant Director,
Chennai Zonal Office-II,
No.16, Greams Road,
BSNL Building,
Tower-II, 3rd Floor,
Thousand Lights West, Thousand Lights,
Chennai-600006.

..Respondent(s)

PRAYER: This Criminal Revision has been filed under Section 438 r/w. Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to Crl.M.P.No.169 of 2026 on the file of the learned II Additional District Judge (CBI Cases), Madurai, set aside the order dated 27.08.2026 passed therein and consequently modify the condition

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

imposed in Crl.M.P.No.70 of 2026 dated 13.05.2026, requiring the Revision Petitioner to appear before the respondent Investigation Agency at Chennai every day, by permitting the Revision Petitioner to report before the learned II Additional District Judge (CBI Cases), Madurai, or before the Judicial Magistrate at Tirunelveli.

For Petitioner(s) : Mr.N.Anandhapadmanabhan
Senior Counsel
for Mr.Aayiram K.Selvakumar

For Respondent(s) :Mr.S.G.L.Rishwanth
Special Public Prosecutor

COMMON ORDER

(Order of the Court was made by M.NIRMAL KUMAR, J.)

Crl.R.C.(MD) No.846 of 2026 has been filed by the Directorate of Enforcement, Chennai Zone [for the sake of brevity, hereinafter referred to as ‘’the petitioner’’], challenging the order dated 13.05.2026 passed in Crl.M.P.No.70 of 2026 by the learned II Additional District Judge (CBI Cases), Madurai, granting statutory bail to the respondent/A.Manthiramoorthy [for the sake of brevity, hereinafter referred to as ‘’the respondent’’] under Section 167(2)(a)(ii) of the Code of Criminal Procedure, 1973 (Cr.P.C.), corresponding to Section 187(3)(ii) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

2. Crl.R.C.(MD) No.1557 of 2026 has been filed by the said A.Manthiramoorthy, seeking to set aside the order dated 27.08.2026

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

passed in Crl.M.P.No.169 of 2026, whereby his application seeking modification of the condition imposed by the Trial Court in Crl.M.P.No.70 of 2026, dated 13.05.2026, dismissed.

3. Since both Criminal Revisions arise out of a complaint in ECIR/MDSZO/21/2020 between same parties, hence, both Revision Cases are taken together and disposed of by a common order.

4. Gist of the prosecution case:

4.1. The gist of the prosecution case is that the Directorate of Enforcement registered ECIR/MDSZO/21/2020, dated 26.10.2020, on the basis of two FIRs registered in Crime Nos.11 of 2019 and 12 of 2019 by the City Crime Branch, Tirunelveli, for offences punishable under Sections 417, 418 and 420 of the Indian Penal Code, 1860, which are scheduled offences under Section 2(1)(y) of the Prevention of Money Laundering Act, 2002 (for the sake of brevity, hereinafter referred to as 'the PMLA'). The investigation revealed that large-scale cheating perpetrated upon gullible investors on the false promise of providing loans, resulting in generation of proceeds of crime amounting to approximately Rs.25.99 crores, which remain untraced.

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

4.2. The respondent was arrested on 12.03.2026 and was produced before the learned Principal Sessions Judge, Chennai, within 24 hours, on 13.03.2026. After obtaining a transit warrant, he was subsequently produced before the learned II Additional District Judge (CBI Cases), Madurai, who is a designated Special Court under the PMLA. Thereafter, respondent was remanded to judicial custody. Subsequently, given custody to the petitioner / Directorate of Enforcement from 18.03.2026 to 20.03.2026 and he was returned to judicial custody.

4.3. On 09.04.2026, the respondent filed a bail application in Crl.M.P.No.47 of 2026 before the Special Court, which came to be dismissed. Subsequently, on 30.04.2026, he filed a bail application before this Court in Crl.O.P.(MD)No.8009 of 2026, which was dismissed on 30.04.2026.

4.4. Meanwhile, the Directorate of Enforcement completed the investigation and filed the prosecution complaint through the e-filing portal before the Principal District Court, Madurai, only gateway for filing of all complaints and documents in the combined District Court Complex, Madurai, which is also the designated filing Court for PMLA cases. Online filing is mandatory mode for filing all fresh prosecution complaints in PMLA cases, in accordance with the directions issued by

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

the High Court in R.O.C.No.75085A/2023/Comp.3, dated 24.08.2023. Accordingly, the prosecution complaint was required to be filed within the statutory period of 60 days, *i.e.*, on or before 11.05.2026.

5. Submissions of the learned Special Public Prosecutor:-

5.1. The learned Special Public Prosecutor appearing for the petitioner / Directorate of Enforcement submitted that the investigation had been completed and the prosecution complaint under Section 44 of the PMLA filed on 09.05.2026, well within the statutory period of 60 days, before the Principal District and Sessions Court, Madurai, being the designated filing Court for PMLA cases, along with 87 documents relied upon by the prosecution. He further submitted that the complaint contained the necessary factual particulars constituting the ingredients of the offences of money laundering punishable under Sections 3 and 4 of the PMLA.

5.2. On 12.05.2026, the respondent filed an application seeking statutory bail in Crl.M.P.No.70 of 2026, and a copy of the same was served to the Prosecuting Agency Directorate of Enforcement.

5.3. The learned Special Public Prosecutor entered appearance and filed objections, specifically contending that the prosecution complaint

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

had already been e-filed on 09.05.2026, vide e-filing No. ATN20220019734C202600012. Hence, he sought dismissal of the respondent's application for statutory bail on the ground that the complaint already filed and that the respondent had no accrued right to claim statutory bail.

5.4. The learned II Additional District Judge (CBI Cases)/Special Judge, Madurai, took up the application seeking statutory bail for hearing on 13.05.2026. On that date, the Presiding Officer called the Bench Clerk, Prabhakaran, attached to the Principal District Court, Madurai, and enquired about the status of the prosecution complaint. The Bench Clerk informed that the prosecution complaint uploaded on 09.05.2026 but not consumed till 13.05.2026. He further informed that the complaint was, therefore, to be treated as having been received only on 13.05.2026. He informed that Memorandum of Appearance/authorisation relating to the engagement of the Special Public Prosecutor on behalf of the Directorate of Enforcement before the Special Court (PMLA) not filed. Hence, same recorded and complaint returned, with a direction to comply with the objections and complete the necessary formalities on or before 12.06.2026.

https://www.mhc.tn.gov.in/judis

WEB COPY

5.5. According to the learned Special Public Prosecutor, this return of the complaint and the consequential directions are contrary to the applicable legal provisions and procedural rules.

5.6. In this regard, the learned Special Public Prosecutor submitted that, under Section 2(u) of the Cr.P.C., a Special Public Prosecutor is one appointed under Section 24(2) of the Cr.P.C. He further relied upon Section 301(1) of the Cr.P.C., which deals with the appearance and conduct of prosecution by Public Prosecutors and Assistant Public Prosecutors before Courts in cases under inquiry, trial or appeal. He also referred to Rule 27(3) of the Criminal Rules of Practice, 2019, and submitted that there was no requirement for filing a separate Vakalatnama on a case-to-case basis. He further submitted that the corresponding provision under Section 338 of the BNSS, 2023, recognises the same position in respect of Public Prosecutors. According to him, the said position is also reiterated in Section 46(3) of the PMLA.

5.7. The learned Special Public Prosecutor further submitted that the prosecution complaint had been uploaded on 09.05.2026 itself, which is the only condition required as per Section 167(2) of Cr.P.C. He also relied upon Rule 25(9) of the Criminal Rules of Practice, 2019, which

https://www.mhc.tn.gov.in/judis

WEB COPY

provides for acceptance of system-generated final reports filed by the police, either manually or electronically. Further, referring to Rule 25(6) of the said Rules, he submitted that a final report filed by the Police or a complaint filed by any other investigating agency ought not to be returned merely on account of defects. Instead, a separate memorandum pointing out the defects should be issued for rectification. He further submitted that it is the duty of the Head Ministerial Officer, in this case, the Bench Clerk, Prabhakaran to verify whether the final report is accompanied by the requisite statements and documents.

5.8. In the present case, it is not in dispute that the prosecution complaint was uploaded on 09.05.2026 at 11:13:13 hours, and the filing process was completed at 14:33:08 hours. Along with the complaint, 87 relied-upon documents were also uploaded. Thus, according to the learned Special Public Prosecutor, the investigation had been completed in all respects and the prosecution complaint, together with the relied-upon documents, had been duly uploaded on 09.05.2026 itself. Therefore, he contended that the filing of the complaint on the 58th day from the date of arrest of the respondent satisfied the statutory requirement under Section 173 of the Cr.P.C., corresponding to Section 193 of the BNSS, 2023.

https://www.mhc.tn.gov.in/judis

WEB COPY

5.9. Further, in the present case, the fact that the petitioner filed the complaint on 09.05.2026 is not in dispute. The mere fact that the complaint was not consumed or viewed by the concerned Court would not confer any accrued right upon the respondent.

5.10. Earlier, this Court reserved orders on 28.10.2026. On that day, while advancing his arguments, the learned Special Public Prosecutor appearing for the petitioner in response to a specific query raised by this Court, submitted that he would produce the acknowledgement confirming the e-filing of the complaint along with 87 documents on 09.05.2026. However, the same was not produced. Hence, the matter was again listed for clarification on 12.11.2026, on which date the typed set of papers relating to the e-filing, after service of copies on the respondent, was filed. On a perusal of the e-filing diary, it is seen that the complaint was filed on 09.05.2026 at 11:13:13 hours, along with 87 documents, each of which was uploaded separately, one after another. Thus, the filing commenced at the aforesaid time and was completed upon uploading all the 87 documents, which were finally consumed at 14:33:08 hours. Therefore, the filing of the complaint was completed in all respects.

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

5.11. In support of his contentions, the learned Special Public Prosecutor appearing for the petitioner relied upon the following judgments:

(i) **Central Bureau of Investigation** v. **Kapil Wadhawan and others**, reported in **(2024) 3 SCC 734** : **(2024) 2 SCC (Cri) 300**, wherein the Hon'ble Apex Court, referring to its Constitution Bench judgment in **K.Veeraswami** v. **Union of India and others**, reported in **(1991) 3 SCC 655 : (1991) SCC (Cri) 734**, held that the final report is complete once it is accompanied by all the documents and statements of witnesses as required under law.

(ii) **Shaurya Sunil Kumar** v. **Central Bureau of Investigation**, reported in **2026 SCC OnLine SC 1251 : 2026 INSC 666**, wherein the Hon'ble Apex Court held that once the charge sheet is filed in compliance with the form prescribed under Section 193(3) of the BNSS, 2023, within the stipulated period, the right to default bail ceases to exist and the non-furnishing of a copy of the charge sheet cannot constitute a ground for granting default bail.

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

(iii) **G.T.Dinesh Kumar** v. **Director of Enforcement, represented by the Assistant Director, Government of India**, reported in **2026 SCC OnLine Kar 292**, wherein the Karnataka High Court, relying upon the judgment of the Hon'ble Apex Court in **Central Bureau of Investigation** v. **Kapil Wadhawan and others** (cited *supra*), held that a prosecution complaint cannot be construed as incomplete merely on the ground that a supplementary prosecution complaint would be filed upon further investigation.

(iv) The Hon'ble Apex Court in **Vijay Madanlal Choudhary and others** v. **Union of India and others**, reported in **(2023) 12 SCC 1**, and the Delhi High Court in **Sanjay Aggarwal** v. **Directorate of Enforcement**, reported in **2024 SCC OnLine Del 8002**, held that an initial complaint can be filed under Section 44 of the PMLA even if the investigation has not been fully completed, particularly, in view of Explanation II introduced in the year 2019, which permits the filing of a supplementary complaint. Thus, the grant of statutory bail to the respondent on 13.05.2026, despite the complaint having been filed on 09.05.2026, *i.e.*, on the 58th day, well within the statutory period, is improper and, therefore, the order granting statutory bail is liable to be set aside.

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

6. The submissions of the learned Senior Counsel for the respondent:-

6.1. The learned Senior Counsel appearing for the respondent submitted that the respondent is an accused in Crime Nos.11 of 2019 and 12 of 2019, registered by the City Crime Branch, Tirunelveli, for offences under Sections 417, 418 and 420 of the IPC. Based on the said cases, the petitioner registered ECIR/MDSZO/21/2020, dated 26.10.2020, under the provisions of the PMLA. The petitioner issued summons to the respondent and, upon his appearance, arrested him on 12.03.2026. He was remanded to judicial custody on 14.03.2026. Thereafter, the petitioner filed a petition seeking custodial interrogation in Crl.M.P.No.40 of 2026, and two days custody was granted on 18.03.2026. Thereafter, the respondent filed a bail application before the II Additional District Judge (CBI Cases), Madurai, in Crl.M.P.No.47 of 2026. The petitioner filed a counter affidavit dated 02.04.2026, strongly opposing the bail application, contending that a sum of Rs.18.17 crores remained untraced and that the same was required to be traced in the interest of a fair investigation. In view of the objections raised by the petitioner, the bail application was disposed of on 09.04.2026.

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

6.2. Thereafter, the respondent approached this Court seeking bail in Crl.O.P.(MD)No.8009 of 2026, wherein the petitioner filed a counter affidavit on 29.04.2026. In the said counter affidavit, it was averred that the investigation into the intricate web of financial transactions and the tracing of the remaining proceeds of crime, amounting to Rs.19.95 crores, were still in progress. Hence, on the objections raised by the petitioner, the bail petition was dismissed by this Court on 30.04.2026.

6.3. While so, within a period of nine days, the petitioner claimed to have completed the investigation and filed the prosecution complaint before the Principal District Court (PMLA Court), Madurai, on 09.05.2026. However, the complaint was returned by the District Court Registry on 13.05.2026 for want of a Memo of Appearance/Vakalatnama on behalf of the Special Public Prosecutor.

6.4. In the meantime, the respondent filed an application seeking statutory bail under Section 167(2) of the Cr.P.C. on 12.05.2026, contending that the statutory period of 60 days expired. On 13.05.2026, the II Additional District Judge (CBI Cases), Madurai, upon perusal of the available records, found that the complaint had been returned for want of a Memo of Appearance and authorisation for the engagement of the

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

Special Public Prosecutor on behalf of the Directorate of Enforcement before the Special Court, PMLA. Accordingly, the complaint had been returned with a direction to comply with the objections on or before 12.06.2026. The said fact was also recorded in the order granting statutory bail in Crl.M.P.No.70 of 2026, dated 13.05.2026. Thus, according to the learned Senior Counsel, the prosecution complaint had not been taken on file owing to the aforesaid deficiencies and, therefore, it could not be construed that the prosecution complaint had been duly filed before the competent Court.

6.5. The learned Senior Counsel further submitted that the prosecution complaint was e-filed before the Principal District Court, Madurai, on 09.05.2026, and not before the II Additional District Judge (CBI Cases), Madurai, which is the Trial Court. It is an admitted fact that the return of the prosecution complaint was not made by the II Additional District Judge (CBI Cases), Madurai. Hence, according to him, the petitioner ought to have approached the Principal District Court, Madurai, instead of filing the present petition before this Court.

6.6. The learned Senior Counsel further submitted that the Trial Court had rightly relied upon the judgment of this Court in

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

Crl.R.C.No.1203 of 2025, dated **07.08.2025** [C.Raja v. The State, Rep. by the Sub Inspector of Police, K-8 Arumbakkam Police Station, Chennai], which is squarely applicable to the facts of the present case. In the said case, the final report was filed through e-filing on 27.06.2025, *i.e.,* on the 176th day of the judicial custody of the petitioner therein, and the Trial Court took cognisance of the same on 02.07.2025 i.e., on the 181st day. Therefore, this Court held that the petitioner therein was entitled to default bail.

6.7. The learned Senior Counsel further submitted that the Hon'ble Apex Court, in **Ritu Chhabaria** v. **Union of India and others**, reported in **2023 SCC OnLine SC 509**, held that the indefeasible right of an accused cannot be extinguished by filing an incomplete charge sheet. In the present case, when the respondent's bail application on merits was considered by this Court, on 29.04.2026 the petitioner filed a counter affidavit specifically contending that a substantial amount of Rs.19.95 crores remained untraced and that the investigation was still in progress. In such circumstances, it was highly improbable that the investigation could have been completed and a complaint, complete in all respects, could have been filed within a period of nine days. Therefore, according to the learned Senior Counsel, an incomplete complaint had been filed

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

only with a view to defeating the respondent's accrued right to statutory bail. Further, the said complaint had also been returned. Hence, as on 13.05.2026, when statutory bail was granted, there was no complaint on the file of the Trial Court.

6.8. In support of his contentions, the learned Senior Counsel relied upon the orders passed by this Court in **C.Raja** v. **The State**, **Rep. by the Sub-Inspector of Police, K-8, Arumbakkam Police Station, Chennai** [Crl.R.C.No.1203 of 2025, dated 07.08.2025], and the judgment of the Hon'ble Apex Court in **Achpal @ Ramswaroop and another** v. **State of Rajasthan**, reported in **AIR 2018 SC 4647 : (2019) 14 SCC 599**. In the said judgment, referring to various earlier decisions, the Hon'ble Apex Court held that it is well settled that an indefeasible right accrues in favour of an accused to be released on bail on account of the failure of the investigating agency to complete the investigation within the stipulated statutory period. Once such a right accrues, the accused is entitled to be released on bail, provided he is prepared to and furnishes bail as directed by the Court.

6.9. In that case, though the charge sheet was complete and had been filed, it was returned by the Magistrate on the ground that the

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

directions issued by the High Court had not been complied with. Consequently, as on the 98th day, no papers relating to the investigation were available before the concerned Magistrate. Further, the High Court had extended the period for filing the charge sheet. In such circumstances, the Hon'ble Apex Court granted statutory bail. Further, referring to its judgment in **Rakesh Kumar Paul** v. **State of Assam**, reported in **AIR 2017 SCC 3948 : (2017) 15 SCC 67**, the Hon'ble Apex Court observed that there would be no prohibition against the arrest or re-arrest of the accused on cogent grounds and, in such an event, the accused would be entitled to seek regular bail.

7. Discussion and findings:-

7.1. Considering the rival submissions and upon perusal of the materials available on record, though elaborate arguments have been advanced by the learned Special Public Prosecutor appearing for the petitioner and the learned Senior Counsel appearing for the respondent, the crux of the issue that arises for consideration in this case is, whether the petitioner had filed the prosecution complaint within the stipulated statutory period of 60 days.

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

7.2. In the present case, the undisputed fact is that the respondent is an accused in ECIR/MDSZO/21/2020, dated 26.10.2020. The respondent was arrested and produced before the Principal Sessions Judge for CBI Cases, Chennai, on 13.03.2026. Thereafter, upon obtaining a transit warrant, he was produced before the II Additional District Judge (CBI Cases), Madurai, on 14.03.2026. Subsequently, two days of custody were granted on 18.03.2026. Thereafter, the respondent filed a bail application before the Trial Court in Crl.M.P.No.47 of 2026, which was dismissed on 09.04.2026. Subsequently, he filed another bail application before this Court in Crl.O.P.(MD)No.8009 of 2026, which was dismissed on 30.04.2026. Hence, the 60-day statutory period for filing the prosecution complaint expired on 11.05.2026 [Monday]. In the present case, the complaint was filed on 09.05.2026 [Saturday] before the Principal District Judge/Special Court for PMLA Cases, which is the filing gateway for all complaints and documents submitted through the online mode. As per R.O.C.No.75085A/2023/Comp.3, the prescribed mode for filing all fresh prosecution complaints in PMLA cases is through online filing. Thus, the complaint was filed on the 58th day.

7.3. From the acknowledgement received in respect of the e-filing, it is evident that the complaint, along with 87 documents, was filed on

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

09.05.2026 between 11:13 and 13:11 hours and that the same was received and consumed at 14:33:08 hours. Thus, the filing of the complaint stood completed. Therefore, the requirement under Section 167(2) of the Cr.P.C./Section 187(2) of the BNSS stood complied with.

7.4. The explanation offered by the Bench Clerk of the Principal District Court, Madurai, that the complaint was not consumed or taken on file and was subsequently returned for want of a Memo of Appearance/Vakalatnama and authorisation for engagement of the Special Public Prosecutor on behalf of the Directorate of Enforcement is not in consonance with the prescribed procedure or law.

7.5. As far as the Investigating Agency is concerned, it had completed the investigation and filed the prosecution complaint on the 58th day. As rightly contended by the learned Special Public Prosecutor appearing for the petitioner, there is no requirement for a Special Public Prosecutor appointed under Section 24(2) of the Cr.P.C. to file a separate Vakalatnama in every case. Further, under Section 301 of the Cr.P.C., a Special Public Prosecutor in charge of a case may appear and plead before any Court in which that case is under inquiry, trial or appeal, without any written authority.

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

7.6. It is to be noted that, in the present case, the Principal District Court, Madurai, is the Special Court as well as the filing gateway for all complaints and documents. Normally, the complaints and cases relating to the PMLA filed by the Enforcement Directorate are automatically transferred to the II Additional District Judge (CBI Cases)/Special Judge for PMLA Cases, Madurai, for further proceedings. Further, Mr.S.G.L.Rishwanth is the learned Special Public Prosecutor and has been regularly appearing before the Principal District Court as well as the II Additional District Judge (CBI Cases), Madurai. Thus, his status as a Special Public Prosecutor is not in dispute.

7.7. Further, Rule 27(3) of the Criminal Rules of Practice does not require the filing of a separate Vakalatnama in every individual case. In view of the above, neither the endorsement made by the Head Clerk that the complaint had been received and returned nor the subsequent acceptance of such return by the II Additional District Judge (CBI Cases), Madurai, and the conclusion that no complaint had been filed on 09.05.2026 can be sustained.

7.8. Further, as per the Criminal Rules of Practice, a complaint or charge sheet cannot be returned in the manner adopted in the present

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

case. Rule 25(7) of the said Rules categorically provides that the Head Ministerial Officer shall verify the complaint/charge sheet along with the accompanying documents and that the system-generated final report/complaint filed electronically shall be accepted by the Court.

7.9. It is also not in dispute that, as could be seen from Page No.23 of the typed set of papers, the learned Special Public Prosecutor had brought to the notice of the Trial Court the details of the e-filing of the complaint on 09.05.2026, including the filing number. The Trial Court, at the click of a button, could have verified the same. However, instead of verifying the e-filing particulars, the Trial Court proceeded on the basis of the objections raised by the Head Clerk and recorded the same in Paragraph 5 of the impugned order. Such an approach is not in accordance with the prescribed procedure and rules. The requirement under the law is the filing of the complaint within the stipulated period and nothing more.

7.10. It is also relevant to note that, on 09.05.2026, five documents were filed, including the complaint filed by the petitioner. Out of the said filings, a case filed by Backiyalakshmi against Velmurugan was verified on 11.05.2026 and subsequently returned. Likewise, a petition filed by

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

Mahalingam on 11.05.2026 against the Inspector of Police, Thiruppalai Police Station, was consumed and verified on 11.05.2026 and returned on 18.05.2026 with a direction to file the same before the Vacation Court. Another petition filed by Nagaraj on 11.05.2026 against the Inspector of Police, Melur Police Station, was also returned on 18.05.2026.

7.11. Added to the above, it is to be noted that, in the present case, the complaint and the accompanying documents filed by the petitioner on 09.05.2026 were verified on 13.05.2026 at 16:35:42 – 16:35:43 hours. However, within six minutes, an objection was raised stating that the Memo of Appearance/authorisation for the engagement of the Special Public Prosecutor on behalf of the Directorate of Enforcement before the Special Court (PMLA Court) had to be filed. Consequently, the complaint was returned, granting time for compliance until 12.06.2026.

7.12. The log details do not record any viewing or downloading of the documents. In such circumstances, the verification of 87 documents within a period of less than six minutes and 53 seconds is humanly impossible. Therefore, the manner in which the complaint was returned, whether deliberate or otherwise, is a matter of serious concern. In any event, the recording of the Trial Court in the impugned order that the

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

complaint had been returned, without properly verifying the e-filing records, is not sustainable. As stated earlier, the Trial Court, at the click of a button, could have verified whether the complaint had been laid/filed on 09.05.2026. The return of the complaint within less than seven minutes, despite the filing of 87 documents, is wholly unjustifiable.

7.13. Added to this, it is to be noted that the complaint was subsequently taken on file and transferred from the Principal District Court, Madurai, to the II Additional District Judge (CBI Cases), Madurai, on 07.07.2026 at 12:44:15 hours, without any fresh resubmission through e-filing, despite the earlier endorsement that the complaint had been returned. Thereafter, the matter was made over to the Trial Court on 10.07.2026 at 12:28:39 hours and taken on file against 13 accused persons, including the respondent herein as A1, in C.C.No.7 of 2026, for offences under Sections 3, 4, 8(5) and 70 of the PMLA. Thus, in view of the foregoing discussion, this Court finds that the impugned order, dated 13.05.2026, passed in Crl.M.P.No.70 of 2026 is not sustainable in law.

8. Crl.R.C.(MD)No.1557 of 2026:-

8.1. Insofar as Crl.R.C.(MD)No.1557 of 2026 is concerned, the respondent / accused in ECIR/MDSZO/21/2020 was arrested on

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

12.03.2026 and was granted statutory bail by the Trial Court in Crl.M.P.No.70 of 2026, by order dated 13.05.2026, subject to the condition that he shall appear before the petitioner every day at 10.00 a.m. until further orders. The respondent has been complying with the conditions imposed. Since the respondent hails from Tirunelveli and the petitioner is stationed at Chennai, he found it difficult to secure accommodation at Chennai. Further, the respondent had been complying with the conditions from 18.05.2026 for 98 days without any default. Hence, he filed a petition before the Trial Court in Crl.M.P.No.81 of 2026, seeking relaxation of the condition, which was dismissed on 04.06.2026.

8.2. The said petition was filed primarily seeking relaxation of the condition to enable the respondent to obtain better medical treatment. Further, the requirement of his daily appearance before the petitioner had become a mere ritual, particularly, when the investigation had already been completed and the prosecution complaint had been filed. The daily appearance before the petitioner was causing undue hardship and suffering to the respondent. Hence, he filed another petition seeking relaxation of the condition in Crl.M.P.No.169 of 2026. The Trial Court, by the impugned order dated 27.08.2026, disposed of the said petition. Aggrieved by the same, the present revision petition has been filed.

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

8.3. The learned Senior Counsel appearing for the respondent submitted that the respondent had earlier filed a petition seeking relaxation of the bail condition in Crl.M.P.No.81 of 2026, which was dismissed on 04.06.2026. Thereafter, he continued to comply with the conditions imposed and subsequently filed another petition seeking relaxation in Crl.M.P.No.169 of 2026. The respondent had been diligently complying with the conditions for all these days.

8.4. The learned Senior Counsel further submitted that the investigation had now been completed and the petitioner already filed the prosecution complaint. In view of the same, the requirement of the respondent appearing before the petitioner every day had become a mere ritual, causing him considerable hardship. Further, the respondent is an aged and ailing person, who requires regular and continuous medical treatment. Owing to the condition imposed, he has been compelled to stay at Chennai without proper food and medical care, thereby, further deteriorating his health condition.

8.5. The statutory bail granted to the resspondent is now under challenge before this Court in Crl.R.C.(MD)No.846 of 2026. In view of the prosecution complaint already filed and the daily appearance of the

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

accused having become a mere ritual, the said condition may be relaxed. Further, the respondent is also required to appear before the Trial Court at Madurai. Hence, the learned Senior Counsel prayed for relaxation of the condition.

8.6. The learned Special Public Prosecutor strongly opposed the aforesaid contentions and submitted that the respondent had earlier filed a modification petition in Crl.M.P.No.81 of 2026, which was dismissed on 04.06.2026. He further submitted that the respondent had not been complying with the conditions regularly and had been assigning one reason or another, citing his health condition, which, according to the petitioner, was artificial and self-created. It was further contended that the respondent had been travelling and that the grounds relating to his health condition were also disputed.

8.7. The learned Special Public Prosecutor further submitted that the Trial Court had granted statutory bail to the respondent on 13.05.2026, directing him to appear before the petitioner until further orders. If the bail condition were modified by directing the respondent to appear before the authorities at Madurai or Tirunelveli, it would cause difficulty to the Investigating Agency in conducting further investigation

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

in the case. Further, the relief sought for by the respondent, namely, permission to report before the Court at Madurai or before the Judicial Magistrate Court at Tirunelveli, was onerous and was intended only to enable him to avoid answering the questions of the Investigating Agency, namely, the petitioner herein. The Trial Court, by a well-reasoned order, had rightly dismissed the petition. Hence, the learned Special Public Prosecutor prayed for dismissal of Crl.R.C.(MD)No.1557 of 2026.

8.8. Considering the aforesaid submissions and in view of the fact that Crl.R.C.(MD)No.846 of 2026, filed by the Directorate of Enforcement, has been allowed, the relief sought for by the respondent in Crl.R.C.(MD)No.1557 of 2026 has become infructuous.

9. Result:-

9.1. In the result,

(i) Crl.R.C.(MD)No.846 of 2026 is allowed.

(ii) The impugned order dated 13.05.2026, passed in Crl.M.P.No.70 of 2026, is set aside. The bail bonds executed by the respondent shall stand cancelled. The respondent is directed to surrender before the Trial Court on or before **27.11.2026**. Upon such surrender, the

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

Trial Court shall take appropriate steps to remand him to judicial custody. It is made clear that the respondent is at liberty to file an application seeking bail on merits. In the event of his failure to surrender within the stipulated period, the Enforcement Directorate is at liberty to arrest him and produce him before the Trial Court for remand to judicial custody.

(iii) Crl.R.C.(MD)No.1557 of 2026 is dismissed as infructuous.

(M.N.K., J.) (N.G.N., J.)
25-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
smn2
Note:- Issue order copy today.
To

1. The Assistant Director,
   Directorate of Enforcement,
   Chennai Zonal Office-II,
   No.16, Greams Road,
   BSNL Building,
   Tower-II, 3rd Floor,
   Thousand Lights West, Thousand Lights,
   Chennai-600006.

2. The Special Public Prosecutor,
   Madurai Bench of Madras High Court,
   Madurai.

https://www.mhc.tn.gov.in/judis (Uploaded on: 25/11/2026 02:21:10 pm)

WEB COPY

M.NIRMAL KUMAR J.
AND
N.GUNASEKARAN J.
smn2

Common order in
CRL RC(MD)No.846 of 2026
AND
CRL RC(MD)No.1557 of 2026

25-11-2026

https://www.mhc.tn.gov.in/judis
(Uploaded on: 25/11/2026 02:21:10 pm)