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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL RC No. 2132 of 2026
and
CRL MP No.17767 of 2026

Case QR

CNR: {HCMA012200872026}

Gopal
S/o Velayudham,
No. 1/145, Thathramunda,
Munnanad, Gudalur,
The Nilgiris,
Tamil Nadu.

..Petitioner(s)

Vs

The State Rep by
The Deputy Superintendent of Police
Vigilance and Anti Corruption Wing,
Ootacamund,The Nilgiris.

..Respondent(s)

PRAYER:

This Criminal Revision Petition is filed under Section 438 read with Section 442 of BNSS 2023 praying to Set aside the order dated 16-6-2026 in CMP No. 843/2025 in SPL CC No.27/2025, pending on the file of the learned Sessions Judge, The Nilgiris District at Udhagamandalam and thereby render justice.

For Petitioner(s): No appearance

For Respondent(s): Mr.R.Rajasekaran
Government Advocate (Crl.Side)

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ORDER

1. The petitioner is the ninth accused in Spl.C.C. No. 27 of 2025 on the file of the learned Sessions Judge, The Nilgiris District at Udhagamandalam, a prosecution laid by the Vigilance and Anti-Corruption Wing. Long after the charges were framed and the trial had begun, he asked the trial court to drop the prosecution against him. That petition, C.M.P. No. 843 of 2025, was dismissed on 16.06.2026. This revision is against that order.

2. The facts that lead to this petition are these. Under the Indira Awaas Yojana, a centrally sponsored scheme, rural households below the poverty line receive a lump sum subsidy to build their own houses. During 2007-2008 the scheme was implemented in Nelakottai Village Panchayat of Gudalur Panchayat Union. On 16.04.2012 the respondent registered Crime No. 1 of 2012 against eleven persons. Accused 1 to 8 were officials of the Panchayat Union and office bearers of the Village Panchayat: an Additional Overseer, two Assistant Engineers, two Block Development Officers, a Panchayat Assistant, and the President and the Vice President of the Village Panchayat. Accused 9 to 11 are private persons, described as contractors. The petitioner is one of them.

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3. On 20.06.2015 the final report was filed. Its case is that accused 1 to 8 entered false measurements for houses that were not built or not completed, passed false bills and cash book entries, forged the signatures of beneficiaries on the subsidy cheques and encashed them at the State Bank of India, Bitherkad. The total said to have been taken is Rs.3,24,139. The report names accused 9 to 11 as co-conspirators of accused 1 to 8, and the first charge is a conspiracy among all eleven. As to the petitioner, charges 5, 7 and 8 say that the subsidy cheques of three beneficiaries, bearing their forged signatures, were used in conspiracy with him and encashed. The amounts are Rs.39,500, Rs.25,877 and Rs.25,877. Against accused 9 to 11 the report invokes only Sections 120-B and 420 IPC.

4. The Special Court for the trial of cases under the Prevention of Corruption Act at Udhagamandalam took the case on file as **Spl.C.C. No. 37 of 2015**. On 09.02.2021 charges were framed against all the accused. The petitioner was charged under Section 120-B IPC (two counts) and Section 420 IPC (two counts), and he pleaded not guilty. The sanctioning authority was examined as PW1 on 07.03.2023 and his cross-examination ended on 12.03.2024. The case then went to the Chief Judicial Magistrate's Court, Udhagamandalam as **Spl.C.C. No. 29 of 2024** and, on 16.10.2025, to the Sessions Court as **Spl.C.C. No. 27 of 2025**. It now stands posted for the examination of the second and third listed witnesses.

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5. While the case was before the Chief Judicial Magistrate, the petitioner, and separately the second and fourth accused, filed petitions to drop the case. The petitioner urged three things. Accused 1 to 5, being employees of local bodies, could be proceeded against only on a reference by the Ombudsman under the Tamil Nadu Local Bodies Ombudsman Act, 2014. There was no valid sanction to prosecute the sixth to eighth accused. Under the scheme guidelines no work could be given to contractors and the beneficiaries alone were responsible for building their houses, so the charge against the contractors must fail. The trial court found nothing in the 2014 Act that required a reference to the Ombudsman before the Vigilance and Anti-Corruption Wing could act. It held that the validity of the sanction could be decided after the trial. On the contractors' point it held that the question could not be decided at that stage and was no ground to drop the prosecution. It added that, with the charges framed and the trial under way, a petition to drop the prosecution was not maintainable, and it left the petitioner free to urge his objections at the final hearing.

6. It is stated in the Revision petition as follows;

[a] The petitioner is a private contractor and not a public servant. He had no part in selecting beneficiaries, sanctioning work, releasing the subsidy, keeping accounts or certifying completion.

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[b] The scheme guidelines require the houses to be built by the beneficiaries themselves and forbid the engagement of contractors. The responsibility for completing the houses was the beneficiaries'.

[c] There is no material of any agreement between the petitioner and the other accused, and Section 120-B IPC is not attracted.

[d] There is no material that he deceived anyone or dishonestly induced the delivery of property, and Section 420 IPC is not attracted.

[e] The trial court did not examine his individual role, and declined to go into the point only because the charges had been framed and the trial had begun.

7. The respondent has filed a counter affidavit. Learned Additional Public Prosecutor made these submissions.

[a] Being a private person does not take the petitioner outside the charge. A private person who conspires with public servants is tried along with them.

[b] The guideline that bars contractors does not help him. The prosecution case is that his entry into the scheme in breach of it is part of the conspiracy.

[c] Sanction and the Ombudsman Act concern only the public servants.

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[d] The final report sets out the petitioner's acts, and at this stage the Court cannot weigh the evidence. Reliance is placed on **P. Nallammal v. State**, **State of New Delhi v. V.C. Shukla** (as cited), **State of A.P. v. V. Vasudeva Rao**, **State of Punjab v. Raj Kumar**, **N. Bhargavan Pillai v. State of Kerala**, **State of Haryana v. Bhajan Lal** and **State of Odisha v. Pratima Mohanty**, and the respondent prays that the trial be directed to go on.

8. I have considered the rival submissions and perused the material placed before me.

9. Two questions arise. The *first* is whether, after the charges had been framed and the trial had begun, the trial court could entertain a petition to drop the prosecution against one accused. The *second* is whether the record shows any error that calls for interference in revision even so.

10. A Special Judge under the Prevention of Corruption Act, 1988 tries a case by the procedure for the trial of warrant cases by Magistrates (Section 5(1)). In such a case the accused may seek a discharge before the charge is framed. Once the charge is framed and he pleads not guilty, the trial must run its course to an acquittal or a conviction. As held in **Ratilal Bhanji Mithani v.**

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State of Maharashtra, (1979) 2 SCC 179, after a charge is framed the Magistrate has no power under the Code to cancel it and discharge the accused. The petitioner moved the trial court about four years after the charges were framed. Whatever its label, his petition asked for a discharge. The Code of Criminal Procedure, under which this trial continues by reason of Section 531(2)(a) BNSS, makes no provision for it. Nothing before me shows that the petitioner ever challenged the framing of the charge. The first question is therefore answered against the petitioner. The trial court was right to hold that the petition was not maintainable.

11. That would be enough to dispose of the revision. Since grounds have been taken on the merits, I have examined them as well. The revisional jurisdiction of this Court is supervisory. It is exercised to correct an error of law or jurisdiction, or a finding that no reasonable person could reach on the material. As held in **Amit Kapoor v. Ramesh Chander, (2012) 9 SCC 460**, framing of charge is an advanced stage of the proceedings, and the Court in revision will be slow to interfere with a charge unless the case substantially falls within the narrow classes where the material discloses no offence or the proceeding is an abuse of process.

12. The grounds urged here are not those urged below. Before the trial court the petitioner relied on the Ombudsman Act, on sanction for the sixth to

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eighth accused and on the scheme guidelines. The first two concern only the public servants, and they are not urged in this revision. The complaint that there is no material of conspiracy or cheating against the petitioner is made for the first time here. The trial court cannot be faulted for not answering a point that was not put to it. Because the petitioner says the point goes to the root of the case, I have read the final report.

13. In the final report the petitioner is named as a co-conspirator. In three charges it identifies the beneficiary whose cheque was forged, the bank where the cheque was encashed and the sum, and says that the cheque was used in conspiracy with him. The allegation is specific. Whether those cheques in fact reached him, whether he encashed them and whether he knew of the forgery are matters of evidence. An agreement to commit an offence is seldom proved by direct evidence and is usually inferred from what the parties did. That inference can only be drawn, or refused, at the trial.

14. Nor do the scheme guidelines help the petitioner at this stage. Clause 1.6 says that the houses will be constructed by the beneficiaries themselves, clause 2.3 places the responsibility for construction on them, and clause 5.1 says that no contractor shall be involved. The prosecution does not say that the petitioner was lawfully engaged. Its case is that money meant for the beneficiaries to build their own houses was drawn on forged signatures and

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reached the contractors. A rule that no contractor shall be involved is no proof that none was. The point is a defence, and the trial court rightly left it open for the final hearing.

15. It makes no difference to the charge that the petitioner is not a public servant. Sections 120-B and 420 IPC apply to any person, and he is not charged under the Prevention of Corruption Act. He is tried with the public servants because Section 3(1)(b) of that Act empowers the Special Judge to try a conspiracy to commit an offence under it, and Section 4(3) permits the Special Judge to try at the same trial any other offence with which the accused may be charged. The second question is therefore answered against the petitioner. The order under revision discloses no error of law or jurisdiction.

16. This prosecution concerns events of 2007-2008. The crime was registered in 2012, the final report was filed in 2015 and the charges were framed in 2021. In the five years since then a single witness has been examined. The counter affidavit attributes the delay to miscellaneous petitions. The trial must now go on without further interruption, and I give a direction to that effect.

17. **In the result, this Criminal Revision Case is dismissed.** The following directions are given.

(a) The learned Sessions Judge, The Nilgiris District at Udhagamandalam

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shall proceed with the trial in **Spl.C.C. No. 27 of 2025**, examine the witnesses on consecutive dates as far as possible, and make every endeavour to conclude the trial within six months from the date of receipt of a copy of this order. All the accused shall cooperate.

(b) The petitioner is free to urge at the trial every contention raised in this revision, including the effect of the scheme guidelines and the want of material against him, and the trial court shall decide them on the evidence.

18. The observations in this order are confined to the disposal of this revision and shall not influence the trial court on the merits of the prosecution or of the defence. There shall be no order as to costs. Consequently, Crl.M.P. No. 17767 of 2026 is closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

1. The Sessions Judge,
   The Nilgiris District at Udhagamandalam

2. The Deputy Superintendent of Police
   Vigilance and Anti Corruption Wing,
   Ootacamund,The Nilgiris.

2. The Public Prosecutor,
   High Court, Chennai.

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N.RAMESH, J.

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