

Crl.O.P.Nos.4368, 4579, 4590 & 4600 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.03.2025

PRONOUNCED ON : 28.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.Nos.4368, 4579, 4590 & 4600 of 2025
and Crl.M.P.No.2774, 2910, 2914 & 2919 of 2025

Crl.O.P.Nos.4368 & 4600 of 2025:-

Anti Corruption Movement
Rep. by its General Secretary,
No.155, Konnur High Road,
Ayanavaram, Chennai – 600 023.

... Petitioner

Vs.

The State Rep. by
The Assistant Commissioner of Police,
Central Crime Branch,
Job Rocket Wing, Vepery,
Chennai, Tamil Nadu – 600 007.

... Respondent

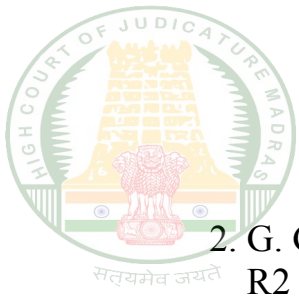
Crl.O.P.Nos.4579 & 4590 of 2025:-

Anti Corruption Movement
Rep. by its General Secretary,
No.155, Konnur High Road,
Ayanavaram, Chennai – 600 023.

... Petitioner

Vs.

1. The State Rep. by
The Assistant Commissioner of Police,
Central Crime Branch,
Job Rocket Wing, Vepery,
Chennai, Tamil Nadu – 600 007.



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2. G. Ganesan

R2 impleaded vide order

dated 28.03.2025 made in

Crl.M.P.Nos.5682 & 5684 of 2025 in

Crl.O.P.Nos.4579 & 4590 of 2025)

... Respondents

Common Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the impugned docket orders, namely, the orders dated 18.09.2024 and 01.10.2024, passed by the learned Additional Special Court No.1 for trial of cases related to Elected Members of Parliament and Members of Legislative Assembly of Tamil Nadu, Chennai, Tamil Nadu respectively in Crl.M.P.Nos.22311, 24674, 24689& 23733 of 2023 respectively in Crime No.441 of 2015 and quash the same.

In Crl.O.P.Nos.4368 & 4600 of 2025:-

For Petitioner : Mr.N.Subramaniyan

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

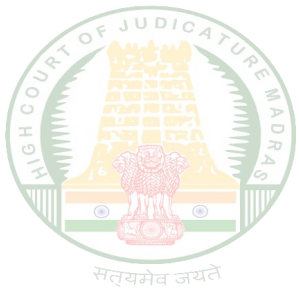
In Crl.O.P.Nos.4579 & 4590 of 2025:-

For Petitioner : Mr.N.Subramaniyan

For Respondents

For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

For R2 : Mr.V.Karthik, Senior Counsel
For Mr.S.M.Nandhie Devhan



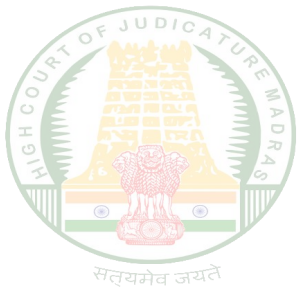
CrI.O.P.Nos.4368, 4579, 4590 & 4600 of 2025

COMMON ORDER

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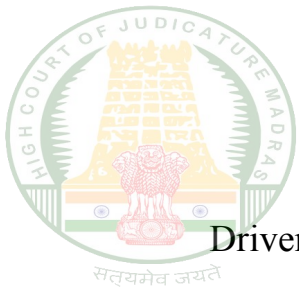
These petitions have been filed challenging the docket orders dated 18.09.2024 & 01.10.2024 passed by the learned Additional Special Court No.1 for trial of cases related to MP&MLA Chennai, in CrI.M.P.Nos.22311, 24674, 24689 & 23733 of 2023 respectively in Crime No.441 of 2015, thereby clubbed the supplementary final report with main case in C.C.No.24 of 2021.

2. The petitioner is one and same in all the petitions. The petitioner is an Association registered under the Tamil Nadu Societies Registration Act. It is started with common intention to fight against corruption. The members of the petitioner Association came to know about the quashing of the criminal case in C.C.No.25 of 2021 pending on the file of the Special Court dealing with cases of MPs/MLAs, Chennai, relating to cash-for-scam in making appointments to various posts in the Tamil Nadu State Transport Corporation during 2014-2015 as against V.Senthil Balaji, sitting Minister of Electricity, Prohibition and Excise in the government of Tamil Nadu, who is arrayed as first accused, by this Court by an order dated 30.07.2021 in CrI.O.P.No.13374 of 2021.



WEB COPY 3. The allegations as against the accused is that the public servants working in Metropolitan Transport Corporation collected money from the job aspirants to the tune of several crores along with the candidates interview cards on the promise of securing job for them at instance of the Personal Assistant of the first accused. The money was collected and handed over to the first accused through middle men and on receipt of the same, the first accused assured them the job. Thereafter, as the jobs were not given as promised, the victims knocked the door of the accused as such, he issued cheques for returning the money which bounced back. Therefore, so many complaints were lodged by the public servants and middle men who collected money and handed over to the first accused. After the direction issued by this Court, FIR has been registered and culminated into trial in C.C.No.19 of 2020 arising out of Crime No.298 of 2017; C.C.No.22 of 2021 arising out of Crime No.441 of 2015 and C.C.No.25 of 2021 arising out of Crime No.344 of 2018 on the file of the Special Court designated for MPs/MLAs cases.

4. The FIR in Crime No.441 of 2015 has been registered in respect of the post of Assistant Engineers, Junior Engineers, Conductors,



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Drivers and Junior Tradesmen. After completion of investigation, the

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respondent filed final report and the same has been taken cognizance originally in C.C.No.3726 of 2017 and now renumbered as C.C.No.22 of 2021. On the basis of the additional supplementary report, the trial Court had taken cognizance in C.C.No.24 of 2021 separately. Thereafter, all the cases were under challenge before this Court by the accused persons, after the present ruling party came to power in the month of May, 2021. Therefore, the prosecution was silent and allowed this Court to quash the entire proceedings in C.C.No.25 of 2021 by an order dated 30.07.2021 in Crl.O.P.No.13374 of 2021. The accused persons also filed petitions before this Court in Crl.O.P.No.15122 of 2021 to quash the proceedings in C.C.No.24 of 2021 and Crl.O.P.No.13914 of 2021 to quash the proceedings in C.C.No.19 of 2020, in which the petitioner filed petition to implead themselves to oppose the quashment of the entire proceeding.

5. In the meanwhile, the order dated 30.07.2021 passed by this Court in Crl.O.P.No.13374 of 2021 was challenged before the Hon'ble Supreme Court of India in Crl.A.No.1514 of 2022 in which, the petitioner filed petition to implead themselves in the said appeal. The petitioner also filed appeals before the Hon'ble Supreme Court of India in



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CrI.A.Nos.1515 & 1516 of 2022, challenging the order dated 30.07.2021

in CrI.O.P.No.13374 of 2021. The Hon'ble Supreme Court of India by an order dated 08.09.2022 allowed the appeals and also ordered for further investigation, since the prosecution failed to include the offences under the Prevention of Corruption Act in the said final report.

6. Insofar as the locus standi of the petitioner herein while entertaining the appeals filed by the petitioner, the Hon'ble Supreme Court of India held as follows :-

"18. We cannot shy away from the fact that candidates, who are selected and appointed to posts in the Government/public corporations by adopting corrupt practices, are eventually called upon to render public service. It is needless to say that the quality of public service rendered by such persons will be inversely proportionate to the corrupt practices adopted by them. Therefore, the public, who are recipients of these services, also become victims, though indirectly, because the consequences of such appointments get reflected sooner or later in the work performed by the appointees. Hence, to say that the appellants have no locus standi, is to deny the existence of what is obvious."



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Therefore, the petitioner has locus to file petitions challenging the order passed by the trial Court, thereby clubbing all the supplementary charge sheets in C.C.No.24 of 2021

7. After completion of further investigation, the respondent police filed supplementary charge sheet along with memo dated 05.09.2023 in respect of the selection of Assistant Engineers. In respect to the post of Junior Tradesmen, they filed supplementary charge sheet on 19.09.2023. On the same day, the respondent filed another supplementary charge sheet in respect of the selection of Conductor. To the post of Driver, the respondent filed supplementary charge sheet on 25.09.2023. However, the respondent delayed the sanction for prosecution as against the accused persons. Therefore, one of the victims filed miscellaneous application in M.A.No.1381 of 2024 in Crl.A.No.1677 of 2023 before the Hon'ble Supreme Court of India to expedite the trial of criminal cases by appointing special investigation team and special prosecutor etc. After questioned by the Hon'ble Supreme Court of India, the State of Tamil Nadu accorded sanction to prosecute the accused on 23.08.2024. Further, the Hon'ble Supreme Court of India by an order dated 02.09.2024 sought for report from the trial Court as to the details of cases handed by him.



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Thereafter, the trial Court insisted the registry to club all the supplementary charge sheet in C.C.No.24 of 2021.

8. The learned counsel appearing for the petitioner would submit that the trial Court *suo motu* without jurisdiction ordered to club all the supplementary charge sheets in the main case, by contravening the mandatory provision under Sections 219 to 224 of Cr.P.C. Further, the trial Court without considering the facts that the accused have committed the offence in respect of the selection for each post and as such it is mandatory to conduct trials separately for each supplementary charge sheets. The proviso under Section 218 of Cr.P.C., provides that separate trial shall be conducted for distinct offence committed by the accused.

8.1. He also relied upon the judgment of the Hon'ble Supreme Court of India reported in **2022 (2) SCC 89** in the case of ***Nasib Singh vs. State of Punjab and anr.***, which held that if a person falls under the exceptions of Sections 219 to 221 of Cr.P.C., then a joint trial for the offences which a person is charged with may be conducted. Similarly, under Section 223 of Cr.P.C., a joint trial may be held for the persons charged with different offences, if any of the clauses in the provision are



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separately or on a combination is satisfied. It is further held that while applying the principles enunciated under Sections 218-223 of Cr.P.C., on conducting joint and separate trials, the trial court should apply a two pronged test viz., whether conducting a joint/separate trial will prejudice the defence of the accused and whether conducting a joint/ separate trial would cause judicial delay. Since the provisions which engraft an exception use the phrase 'may' with reference to conducting a joint trial, a separate trial is usually not contrary to law even if a joint trial could be conducted, unless proven to cause a miscarriage of justice.

8.2. He further submitted that when the victims are totally different and post in whose appointments the crimes were committed are different, the trial Court ought not to have ordered for clubbing all the supplementary charge sheet in one main case. In fact, none of the accused approached the trial Court for seeking joint trial. When it being so, the clubbing of all the supplementary reports has no legal basis.

8.3. He further submitted that C.C.No.24 of 2021 was already commenced for trial in the month of March, 2024 and Hon'ble Supreme Court of India also held that there is prima facie case as against the



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accused persons for the offence under the Prevention of Corruption Act

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as such, the trial Court ought not to have ordered for clubbing of the supplementary charge sheet together. The dictum of law is to continue the trial to expedite the completion of even any one charge to ensure punishment if proved, or to acquit if not proved, for a criminal at the earliest possible time. In C.C.No.24 of 2021, there are only 47 accused persons and already the case was ripe for trial. On the basis of the supplementary charge sheets, they added 2209 accused and also increased the witnesses from 112 to 668. It is impossible for the trial Court to complete the trial within stipulated time.

9. One of the accused persons filed implead petition to implead himself as a party to these petition and Mr.V.Karthik, learned Senior Counsel appearing for the impleaded respondent submitted that on the complaint only one FIR has been registered in Crime No.441 of 2015 for the offences under Sections 406, 420 r/w 34 of IPC as against the accused persons. After completion of investigation, they filed final report and the same has been taken cognizance in C.C.No.3627 of 2017. On the application filed by one of the victims to further investigation, this Court by an order dated 27.11.2019 in Crl.O.P.No.32067 of 2019, directed to



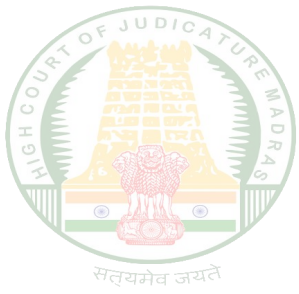
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conduct further investigation and till such time keep the C.C.No.3627 of

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2017 in abeyance. On receipt of the supplementary final report, the Special Metropolitan Magistrate Court for CCB and CBCID cases, Egmore had taken cognizance in C.C.No.24 of 2021 for the offences under Section 406, 419, 420 r/w. 34, 120B, 465, 467, 471 & 201 of IPC and Section 7, 12, 13(2) r/w.13(1)(d) of the Prevention of Corruption Act. Thereafter, it was transferred to the Special Court for trial cases related to MP/MLAs, Chennai and renumbered as C.C.No.22 of 2021, in which the impleaded respondent is arrayed as A7.

9.1. As against the quashment of entire proceedings under the compromise, the appeals were filed before the Hon'ble Supreme Court of India. As directed by the Hon'ble Supreme Court of India ordered for further investigation and accordingly, the respondent police conducted further investigation and filed supplementary charge sheets in Crl.M.P.Nos.22311, 24674, 24689 & 23733 of 2023 respectively in Crime No.441 of 2015. On receipt of the supplementary charge sheets, the trial Court ordered to club all the supplementary final report in C.C.No.21 of 2021 and directed to issue summons to the accused.



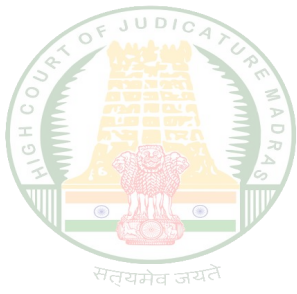
9.2. The learned Senior Counsel further submitted that the

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provisions under Section 218 of Cr.P.C., envisages that for every distinct offence of which the person is accused, there shall be a separate charge sheet and every charge shall be tried separately. The meaning of the expression 'every distinct offence' is vital to understand the scope of Section 218 of Cr.P.C., and its applicability. In this regard, he relied upon the judgment of the Hon'ble Supreme Court of India reported in **1963 Supp(2) SCR 338** in the case of **Banwarilal Jhunjunwala Vs. Union of India**, which held as follows :-

"13. The question is, what is meant, by "every distinct offence"? "Distinct" means "not identical". It stresses characteristics that distinguish while the word 'separate' would stress the "two things not being the same. Two offences would be distinct if they be not in any way inter-related. If there be some inter-relation, there would be no distinctness and it would depend on the circumstances of the case in which the offences were committed whether there be separate charges for those offences or not.

14. Such a view has been the basis of certain decisions by the High Courts and this Court. In Chunnoo v. State Kidwai, J. said at p. 797:"The use of word 'distinct' is of great significance and the legislature having inserted it, we must, so far as possible, give it a



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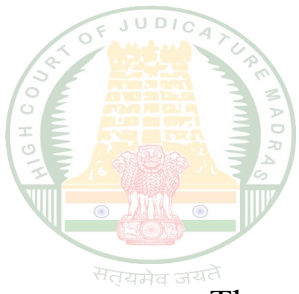
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meaning and not treat it as redundant. Every distinct offence cannot be treated as having the same meaning as 'every offence'. The only meaning that the word 'distinct' can have in the context in which it occurs is to indicate that there should be no connection between the various acts which give rise to criminal liability. If there is such a connection, one action is not 'distinct' from other actions and each of them, even if it constitutes an offence, does not constitute a 'distinct' offence."

Thus, it is clear that distinct offences are to be tried separately and where the offences are essentially the same, they are intended to be tried together.

9.3. As far as the case on hand is concerned, it involves job racket scam, wherein public servants and others conspired to cheat a huge sum of money in the process of recruiting for various posts in the Metropolitan Transport Corporation. Therefore, Section 218 of Cr.P.C., does not apply to the case on hand. Further the provision under Section 220 of Cr.P.C., deals with trial for more than one offence. It is relevant to extract the provision under Section 220(1) of Cr.P.C., as follows :-

“If in one series of acts so connected together as to form the same transaction, more than one offence is committed by the same person, he may be charged with

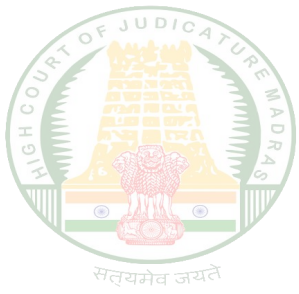


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and tried in one trial for every such offence.”

Though the charge sheet has been framed for various offences of the charges, it forms part of the same transactions. That apart, for the same crime and same transactions, further investigation is ordered and accordingly now the additional charge sheets have been filed by the respondent police as contemplated under Section 173(8) of Cr.P.C.

10. The crux of the allegation is that under the notification called for application for appointment to the post of Assistant Engineer, Junior Engineer, Junior Tradesmen, Conductor & Driver to the Metropolitan Transport Corporation, Chennai. Since the respondent police failed to include the offence under the Sections of the Prevention of Corruption Act, the Hon'ble Supreme Court of India directed to conduct further investigation and file final report by including the offences under the Prevention of Corruption Act. Therefore, separate trials itself doesn't arise, since it cannot be construed as distinct offences. There is only one cause of action in the crime and it is not distinct from other action and each of them, even if it is for several posts, doesn't constitute the distinct offences for separate trials. It is also relevant to extract Section 223 of Cr.P.C., as follows :-



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“223. What persons may be charged jointly – The following persons may be charged and tried together, namely:—

(a) persons accused of the same offence committed in the course of the same transaction;

(b) persons accused of an offence and persons accused of abetment of, or attempt to commit, such offence;

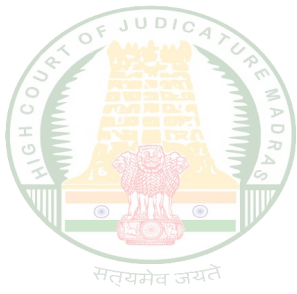
(c) persons accused of more than one offence of the same kind, within the meaning of section 219 committed by them jointly within the period of twelve months;

(d) persons accused of different offences committed in the course of the same transaction;

(e) persons accused of an offence which includes theft, extortion, cheating, or criminal misappropriation, and persons accused of receiving or retaining, or assisting in the disposal or concealment of, property possession of which is alleged to have been transferred by any such offence committed by the first-named persons, or of abetment of or attempting to commit any such last-named offence;

(f) persons accused of offences under sections 411 and 414 of the Indian Penal Code (45 of 1860) or either of those sections in respect of stolen property the possession of which has been transferred by one offence;

(g) persons accused of any offence under Chapter XII of the Indian Penal Code (45 of 1860) relating to



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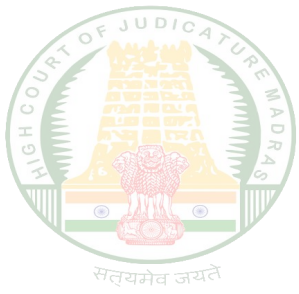
counterfeit coin and persons accused of any other offence under the said Chapter relating to the same coin, or of abetment of or attempting to commit any such offence; and the provisions contained in the former part of this Chapter shall, so far as may be, apply to all such charges:

Provided that where a number of persons are charged with separate offences and such persons do not fall within any of the categories specified in this section, the Magistrate may, if such persons by an application in writing, so desire, and if he is satisfied that such persons would not be prejudicially affected thereby, and it is expedient so to do, try all such persons together”

Thus it is clear that the persons accused of the same offence committed in the course of the same transaction may be charged and tried together.

12. Even assuming that though the offences are distinct one as submitted by the petitioner, they would otherwise be covered under Section 223 of Cr.P.C., it could not be tried together as they form part of the same transaction. In this regard, it is relevant to rely upon the judgment reported in **2010 (9) SCC 567** in the case **C.Muniappan Vs. State of Tamil Nadu**, which held as follows :-

“37. The submission on behalf of the appellants that two crimes bearing Nos. 188 and 190 of 2000 could

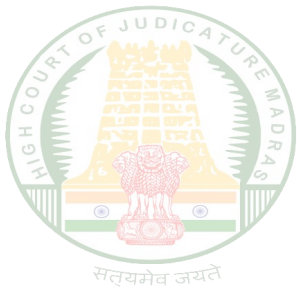


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not be clubbed together, has also no merit for the simple reason that if the cases are considered, keeping in view the totality of the circumstances and the sequence in which the two incidents occurred, taking into consideration the evidence of drivers and conductors/cleaners of the vehicles involved in the first incident and the evidence of C. Ramasundaram, VAO (PW 87), we reach the inescapable conclusion that the second occurrence was nothing but a fall out of the first occurrence. The damage caused to the public transport vehicles and the consequential burning of the University bus remained part of one and the same incident. Merely because two separate complaints had been lodged, did not mean that they could not be clubbed together and one charge-sheet could not be filed (see T.T. Antony v. State of Kerala).”



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13. If four sets of trials conducted for the offence arising out of

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the same trial or connected series of acts, the evidence recorded in one trial can only be used in that particular trial and must be recorded in the other trial. Therefore, the provision under Section 273 of Cr.P.C., mandates that evidence must be recorded in the presence of the accused or if the accused's presence is dispensed with, then in the presence of their pleader, in order to protect the rights of the accused to a fair trial and to ensure that they can hear the evidence being presented against them. Therefore, if the separate trials are to be taken place in respect of the same offences and transactions, the evidence of the witnesses will have to be recorded in each trial separately, which will result in a waste of precious judicial time. There will be a chance of full filling the lacunea left in the earlier trail, if separate trials are conducted on each supplementary charge sheet that too for the same transactions. If the separate trials are permitted on the same transactions as against the same accused persons, it would violate the right of the accused as guaranteed under Article 21 of the Constitution of India.

14. On perusal of the counter filed by the respondent police and on the submission made by the learned Government Advocate (Crl. Side)



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reveals that after filing the final report in Crime No.441 of 2015, the trial

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Court had taken cognizance in C.C.No.3627 of 2017. After the order passed by this Court for further investigation, supplementary charge sheet was filed under Section 173(8) of Cr.P.C., in respect to the post of Junior Engineer, whereas 47 persons have been arrayed as accused, and the same has been taken cognizance in the very same C.C.No.3627 of 2017. Thereafter it was transferred to Special Court and renumbered as C.C.No.24 of 2021.

15. While pending trial, as ordered by the Hon'ble Supreme of India, the respondent police conducted further investigation and filed final report by including the provisions under the Prevention of Corruption Act and also ordered comprehensive investigation into the entire scam. It is relevant to extract the order passed by the Hon'ble Supreme Court of India in Crl.A.No.1514 of 2022 dated 08.09.2022, as follows :-

“56. yet another contention raised on behalf of the respondents is that there are two other cases where allegations of corruption are made and that CC No.25 of 2021 with which we are concerned now, did not involve allegations of corruption. But the said contention is abhorring, for the simple



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reason that all criminal complaints arose out of the very same cash for job scam. We are informed that the proceedings in respect of those two cases have also been stayed by the High Court. We do not know how the High Court could have stayed prosecution of persons under the P.C. Act, especially in matters of this nature.

57. As a matter of fact, the State ought to have undertaken a comprehensive investigation into the entire scam, without allowing the accused to fish out one case as if it was a private money dispute."

The comprehensive investigation to be conducted since there are three FIRs in Crime Nos.441 of 2015, 298 of 2017 and 344 of 2018 for the very same transactions on the complaint lodged from the different complainants. Accordingly, the respondent police conducted comprehensive investigation covering all the relevant offences and witness statements and filed four supplementary charge sheet under Section 173(8) of Cr.P.C. The trial Court assigned separate criminal miscellaneous petition number for each separate charge sheet. Thereafter, the trial Court clubbed all the charge sheet in C.C.No.24 of 2021.

16. The first supplementary charge sheet dated 31.08.2023 in CrI.M.P.No.22311 of 2023 in respect to the post of Assistant Engineer, as against 74 accused. The supplementary charge sheet in CrI.M.P.No.23733



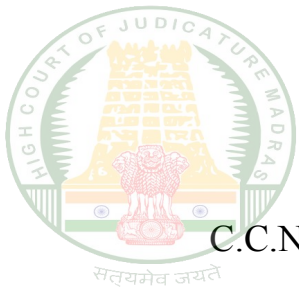
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of 2023, in respect to the post of Junior Tradesmen as against 287

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accused persons. The supplementary charge sheet in Crl.M.P.No.24674 of 2023 in respect to the post of Conductor as against 928 accused persons. The supplementary charge sheet filed in Crl.M.P.No.24689 of 2023 in respect to the post of Driver as against 920 accused persons. The respondent police filed four supplementary final reports for four posts. However, all the supplementary charge sheets have been filed in Crime No.441 of 2015 in C.C.No.24 of 2021 arising out of the same conspiracy. As per the supplementary charge sheets, total numbers of accused persons in C.C.No.24 of 2021 are 2306. According to the Prevention of Corruption Act, the bribe giver is also an offender. Each person found to have given a bribe has been named as an accused. Therefore, inclusion of all individuals as accused persons is not only mandatory but also necessary for ensuring a fair and comprehensive prosecution of the case.

17. That apart, for all the supplementary charge sheets same witnesses and documents were examined to prove the case of the prosecution. If separate trials were to be ordered, the same witnesses and same documents will have to be examined and exhibited repeatedly in each and every case. After clubbing all the supplementary final report in



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C.C.No.24 of 2021 the count of the accused persons has been reduced to

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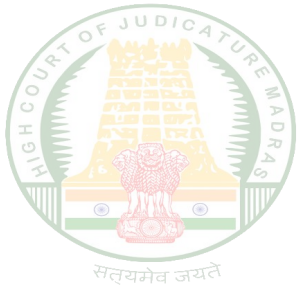
2202 due to elimination of repetition of the accused persons. After issuance of summons, so far 423 accused persons have appeared and for appearance of other accused persons, the trial Court posted the trial on different dates.

18. In view of the above facts and circumstances, this Court finds no ground to interfere with the docket orders dated 18.09.2024 & 01.10.2024 passed by the trial Court and all the petitions are liable to be dismissed. Accordingly, all the Criminal Original Petitions stand dismissed. Consequently, connected miscellaneous petitions are closed.

28.03.2025
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Index : Yes/No
Neutral citation : Yes
Speaking/non-speaking order

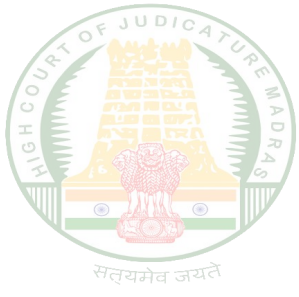
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1. The Additional Judge,
Special Court No.1 for trial of cases
related to MP/MLAs,
Chennai,
2. The Assistant Commissioner of Police,
Central Crime Branch,
Job Rocket Wing, Vepery,
Chennai, Tamil Nadu – 600 007.
3. The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



Crl.O.P.Nos.4368, 4579, 4590 & 4600 of 2025

G.K.ILANTHIRAIYAN. J.

rts

Common Order in
Crl.O.P.Nos.4368, 4579, 4590 & 4600 of 2025
and Crl.M.P.No.2774, 2910, 2914 & 2919 of 2025

28.03.2025
(½)