IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.07.2026

DELIVERED ON : 04.08.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

Crl.O.P.(MD) No.3792 of 2026
and Crl.M.P.Nos.4074 and 11904 of 2026

The Assistant Director
Directorate of Enforcement,
Ministry of Finance,
Department of Revenue,
Chennai Zonal Office-II,
No.16, Greams Road, Tower-II,
3rd Floor, Thousand Lights West,
Thousand Light, Chennai-600 006.

Petitioner

Vs

1.The Additional Superintendent of Police,
Directorate of Vigilance and Anti-Corruption, Thoothukudi.

2.Anitha Radhakrishnan
No.1/43, North Street,
Thandupathu,
Manaduthandupathu,
Thoothukudi,
Tamilnadu-628 208.

3.R.Jeygandhi
W/o.Anitha Radhakrishnan,
No.1/43, North Street, Thandupathu,
Manaduthandupathu, Tiruchendur,
Thoothukudi, Tamilnadu-628208.

4.R.Anandha Mageshwaran
S/o.Anitha R.Radhakrishnan,
No.5/7C, NGO Colony, Ganesh Nagar,
Tuticorin, Tamilnadu-628008.

5.R.Anandha Ramakrishnan
S/o.Anitha R.Radhakrishnan,
Plot No.17, Ayyanar Main Street,
Guru Nagar, Thiruppalai, Madurai Rural,
Tamilnadu-625014.

6.Anandha Padmanabhan
S/o.Anitha R.Radhakrishnan,
Plot No.40, Sivagami Nagar,
2nd street, Narayanapuram,
Madurai, Tamilnadu-625015.

7.R.Shanmugananthan
S/o.Ramammoorthy Nadar,
Plot No.58, KK Nagar East,
4th Street, Madurai-625020.

8.R.Sivananthan
S/o.Ramammoorthy Nadar,
No.224, KK Nagar, Madurai-652020.

9.Siva Blue Metals,
Pan No. ABDFS2764F,
Rep. by its Partners,
Ananda Mageshwaran (A3) and
A.Valarmathi,
Door No.9th, 8th Street, Toovipuram,
Tuticorin, Tamilnadu-628003.

Respondents

PRAYER: Petition filed under Section 528 BNSS, 2023 read with Section 482 of Cr.P.C. to set aside the order in SR No.9962 of 2025 dated 11.12.2025 passed by the Principal District Judge, Thoothukudi.

For Petitioner: Mr.P.Sidharthan
Special Public Prosecutor
for ED Cases

For Respondents: Mr.Arun Anbumani
Additional Public Prosecutor
assisted by Mr.M.Dinesh
Govt. Advocate (Crl. Side)
for R1

Mr.Abudu Kumar Rajarathinam
Senior Counsel
for Mr.K.R.Ramesh Kumar
for R2

Mr.A.Nagarajan
for Mr.K.R.Ramesh Kumar
for R3 to R9

ORDER

THE CHIEF JUSTICE

This petition assails an order dated 11.12.2025 passed by the learned Principal Sessions Judge, Thoothukudi, to set aside the order in SR No.9962 of 2025.

2.1. The facts in a nutshell are that the second respondent, Anitha R. Radhakrishnan, was a Member of the Tamil Nadu Legislative Assembly from the Tiruchendur constituency between May 2001 and May 2006, and during a part of that period he also held the portfolio of Minister for Housing and Urban Development. Alleging that the second respondent had, during his tenure, acquired money and property far beyond what his known income could explain, the Directorate of Vigilance and Anti-Corruption, Thoothukudi, registered a First Information Report against him in the year 2006. The allegation, in essence, was that assets worth around Rs.2.68 Crore had been built up in his own name and in the names of his wife, his brothers and his sons, none of whom, it was said, had any independent means to acquire such property.

2.2. The investigation led to a final report being filed in Spl.C.No.3 of 2019 on the file of the learned Principal District and Sessions Judge, Thoothukudi. The amount said to be disproportionate to the known sources of income works out to about Rs.2.08 crore.

2.3. This Court, by order dated 29.04.2025 passed in Crl.R.C. (MD) No.304 of 2014, directed that the trial be brought to a close within six months, that is, on or before 15.12.2025. By the time this petition came to be filed, the trial had, in fact, moved a long way, viz., the prosecution had examined as many as 79 witnesses and marked 312 exhibits and had closed its evidence; the defence, for its part, had examined 6 witnesses and marked 74 exhibits, and had likewise closed its evidence. The prosecution's arguments, oral and written, were completed by 07.01.2026, and the defence had argued in part before the proceedings came to a halt on account of the stay granted in this petition.

2.4. While the disproportionate assets case was almost reaching its logical conclusion in Thoothukudi, the Directorate of Enforcement was pursuing a separate case of its own. Treating the disproportionate assets allegedly as the proceeds of crime, it registered an Enforcement Case Information Report and, after investigation, filed a prosecution complaint alleging the offence of money-laundering under Section 3, punishable under Section 4, of the Prevention of Money Laundering Act, 2002 [for brevity, "*the PMLA*"]. This complaint was e-filed on 28.03.2025 and the hard copy, together with the relied-upon documents, was filed on 03.04.2025 before the learned Principal Sessions Judge, Madurai, who is the Special Court designated to try such offences under Section 43(1) of the PMLA. It was numbered A.No.122 of 2025.

2.5. The Special Court at Madurai, by a memorandum dated 04.09.2025, called upon the Directorate to produce the sanction required under Section 197(1) of the Code of Criminal Procedure [for brevity, "*the Code*"] for prosecuting the second respondent, given his status as a former public servant within the meaning of the Prevention of Corruption Act, 1988 [for brevity, "*the PC Act*"]. However, the sanction has still not been produced. Thereafter, the Special Court at Madurai issued a pre-cognizance notice dated 24.12.2025 under Section 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [for brevity, "*the BNSS*"] calling upon the accused to appear on 29.01.2026. What needs emphasis is that the Special Court at Madurai has, as on date, not taken cognizance of the money-laundering complaint at all.

2.6. At this stage, the petitioner moved the Principal Sessions Court, Thoothukudi, by way of an application under Section 44(1)(c) of the PMLA to commit that case to the Special Court at Madurai, so that both cases could be dealt with together. The application was returned on 07.10.2025 raising two queries, viz., (i) how could such an application even be entertained when this Court had already directed that the Thoothukudi case be disposed of within a fixed time; and (ii) how could a court that was admittedly not a Special Court under the PMLA entertain an application founded on that very Act. The said application was re-presented with a response relying on two decisions of the Supreme Court, viz., (i) *Vijay Madanlal Choudhary v. Union of India*[1]; and (ii) *Rana Ayyub v. Directorate of Enforcement*[2], but was returned again on 15.10.2025 for not properly complying with the earlier queries, then again on 30.10.2025, and was finally taken up for hearing after being re-presented on 10.12.2025 along with copies of further judgments.

[1] *(2023) 12 SCC 1*
[2] *(2023) 4 SCC 357*

2.7. By order dated 11.12.2025, the learned Principal Sessions Judge, Thoothukudi, rejected the application. The reasons given may be summarised thus: the Thoothukudi court has been designated a Special Court only for the purpose of trying cases against Members of Parliament and the Legislative Assembly under the PC Act; it has not been designated as a Special Court under the PMLA, which requires a separate and specific notification under Section 43 of the PMLA; the Directorate, as an authority appointed under Section 49 of the PMLA, is empowered to approach only the Special Court constituted for PMLA matters, and not any other court; on a plain reading of Section 44(1)(c) of the PMLA, the case on the file of the Thoothukudi court had taken cognizance upon a complaint filed by the Vigilance and Anti-Corruption Wing under the PC Act, and not upon any complaint filed by an authority under the PMLA, so that the provision was not even attracted; and, finally, that the Directorate had earlier moved an application under Sections 301(2) and 302(2) of the Code before the very same court on 20.04.2023, which was dismissed on merits on 03.07.2024 and was never carried in appeal. On these grounds, the application was held to be one filed without jurisdiction, and was rejected.

2.8. Aggrieved, the Directorate has filed the present petition to set aside that order.

3. Pending disposal of this petition, this court, by order dated 15.04.2026 in Crl.M.P.(MD) No.4074 of 2026, stayed further proceedings in Spl.C.No.3 of 2019. Respondent Nos.2 to 9 filed an application to vacate the stay. The Directorate has filed a counter opposing vacation of stay.

4.1. Learned Special Public Prosecutor for the Directorate would submit that the provisions of the Act read conjointly show that the legislature always intended one and the same Special Court to try both the scheduled offence, viz., the disproportionate assets case under the PC Act, and the offence of money-laundering arising from it.

4.2. It is pointed out that Section 43(2) of the PMLA says a Special Court "*shall also try*" any connected offence, and that Section 44(1)(a) of the PMLA says such connected offence "*shall be* *triable*" by the Special Court for the area where the money-laundering offence was committed. Reliance is placed on the Standing Committee on Finance's Fifty-Sixth Report on the 2012 amendment, which explains that Section 44(1)(c) of the PMLA was inserted precisely to provide a mechanism by which a scheduled-offence case pending elsewhere could be committed to the Special Court, with the Special Court then continuing from the stage at which it received the case.

4.3. It is further submitted, relying on a decision of the Calcutta High Court in *Ranjit Singh Kothari v. State of West Bengal*[3], that the very design of the statute is that one court alone should try both sets of offences, so as to avoid the risk of two courts arriving at inconsistent findings on the same facts.

4.4. Reliance is also placed on a decision of this court in *Deputy Director v. Deputy Superintendent of Police*[4], wherein the CBI court was held to have no option but to transfer a scheduled-offence case to the designated PMLA court once an application was

[3] *2023 SCC OnLine Cal 4662*
[4] *2026 SCC OnLine Mad 2125*

made.

4.5. On the specific point of whether cognizance should first be taken by the Special Court before a transfer can be sought, learned Special Public Prosecutor for the petitioner relies on paragraphs 27, 29 and 30 of *Rana Ayyub* (supra) to argue that Section 44(1)(c) of the PMLA does not impose cognizance by the Special Court as a pre-condition and that requiring it would defeat the very purpose of the 2012 amendment.

4.6. Finally, it is submitted that no prejudice can possibly be caused to anyone, because the Special Court, once the case is committed to it, is bound in any event to take up the matter from the very stage at which it was left off.

5. Learned Additional Public Prosecutor appearing on behalf of the first respondent submits that the first respondent was never served with notice of the application under Section 44(1)(c) of the PMLA filed before the Thoothukudi court and that the first respondent is unaware of the exact stage of the proceedings before

the Special Court at Madurai. He added that the first respondent has no specific objection to the transfer of the case to the Special Court at Madurai.

6.1. Learned Senior Counsel appearing on behalf of the second respondent and learned counsel appearing on behalf of respondent Nos.3 to 9, in one voice, submitted that Section 44(1)(c) of the PMLA applies, on its own wording, only where the Special Court has "*taken cognizance of the complaint of the offence of money-laundering*". In the case at hand, by the petitioner's own admission in its affidavit, the Special Court at Madurai has not taken cognizance. It has issued only a pre-cognizance notice under Section 223 of the BNSS calling the accused to appear.

6.2. Reliance is placed on a recent decision in *Kushal Kumar Agarwal v. Enforcement Directorate*[5], holding that for complaints filed after 1st July 2024, cognizance cannot be taken until the accused has been given an opportunity of hearing under Section 223 of the BNSS, a stage the case at Madurai has not yet crossed.

[5] *2025 SCC OnLine SC 1221*

In support of the said plea, reliance is also placed on a decision of a learned Single Judge in *Seeman v. Varun Kumar*[6].

6.3. It is further submitted that, as a former Minister and MLA, the second respondent is a public servant within the meaning of Section 2(c) of the PC Act, and prosecution sanction under Section 197(1) of the Code (now Section 218 of the BNSS) is a jurisdictional pre-requisite, without which no court can validly take cognizance against him. The Special Court at Madurai itself has raised this query on 4.9.2025 and the sanction has still not been furnished. It is, therefore, submitted that the Special Court at Madurai is legally incapable of taking cognizance in respect of the second accused, which makes the petitioner's application premature.

6.4. It is further submitted that the disproportionate assets case is on the file of a court within the Thoothukudi Sessions Division and the money-laundering complaint is before a court within the Madurai Sessions Division. These are two different

[6] *Order dated 27.11.2025 in Crl.RC (MD) No.772 of 2025*

Sessions Divisions. It is submitted that the power to move a criminal case from one Sessions Division to another has never rested with the Sessions Court itself and it rests exclusively with the High Court, under what used to be Sections 406 and 407 of the Code of Criminal Procedure and now finds its place in Sections 448 and 449 of the BNSS. Section 44(1)(c) of the PMLA, it is argued, cannot be read as silently overriding that scheme and conferring the Sessions Court the power to send a case out of its own division. If the petitioner intends to transfer the case, its remedy lay in a transfer petition before this court and not by way of an application before a court that lacked the power to grant it.

6.5. It is also submitted that by the time the application was even filed seeking transfer of the case, the prosecution had examined 79 witnesses and marked 312 exhibits, the defence had examined 6 witnesses and marked 74 exhibits, evidence on both sides stood closed, the prosecution had completed its arguments, and the defence had argued in part. It is submitted that Section 44(1)(c) of the PMLA was conceived to save the time and effort of the courts and to avoid two parallel trials on the same facts running to two different conclusions and it can never be used as a lever to be pulled at the eleventh hour to start a concluded trial all over again before an unfamiliar court. Such relief sought by the petitioner would seriously hamper the rights of respondent Nos.2 to 9 to a speedy trial under Article 21 of the Constitution, a right this court itself had sought to protect by directing time-bound disposal.

6.6. Reliance is placed on a decision of the Orissa High Court in *Pankajini Sahu v. Joint Director, Enforcement Directorate*[7], wherein it was held that committal under Section 44 PMLA is not an automatic, mechanical exercise, but one calling for the exercise of discretion having regard to the interest of justice; and it is submitted that the decisions relied upon by the petitioner in *Rana Ayyub* (supra) and the decision of this Court in *Deputy Director v. Deputy Superintendent of Police* (supra), both concerned trials that were still at an early or actively ongoing stage, and neither can be read as to uproot a nearly-finished trial in the case on hand.

6.7. It is pointed out that the petitioner had already tried in

[7](2023) 154 taxmann.com 60

2023 to achieve the same result through an application under Sections 301(2) and 302(2) of the Code, which was dismissed on merits in July 2024 and was never challenged. The present attempt through a different statutory provision is an abuse of the process of the court.

7. Upon hearing learned counsel on both sides, the question that stems up for our consideration is "*Whether the learned Principal Sessions Judge, Thoothukudi, was right in refusing to send the pending disproportionate assets case to the Special Court at Madurai, on an application made under Section 44(1)(c) of the PMLA?*"

8. Before adverting to the merits of the rival submissions, it is useful to set out Section 44 of the PMLA, which reads as under:

> *"44. Offences triable by Special Courts.*
>
> *(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),*
> *(a) an offence punishable under section 4 and any scheduled offence connected to the offence under*

that section shall be triable by the Special Court constituted for the area in which the offence has been committed:

Provided that the Special Court, trying a scheduled offence before the commencement of this Act, shall continue to try such scheduled offence; or

(b) a Special Court may, upon a complaint made by an authority authorised in this behalf under this Act take cognizance of offence under section 3, without the accused being committed to it for trial.

Provided that after conclusion of investigation, if no offence of moneylaundering is made out requiring filing of such complaint, the said authority shall submit a closure report before the Special Court; or

(c) if the court which has taken cognizance of the scheduled offence is other than the Special Court which has taken cognizance of the complaint of the offence of money-laundering under sub-clause (b), it shall, on an application by the authority authorised to file a complaint under this Act, commit the case relating to the scheduled offence to the Special Court and the Special Court shall, on receipt of such case proceed to deal with it from the stage at which

it is committed*.*

(d) a Special Court while trying the scheduled offence or the offence of money-laundering shall hold trial in accordance with the provisions of the Code of Crimina1 Procedure, 1 973, as it applies to a trial before a Court of Session.

Explanation.—For the removal of doubts, it is clarified that,—
(i) the jurisdiction of the Special Court while dealing with the offence under this Act, during investigation, enquiry or trial under this Act, shall not be dependent upon any orders passed in respect of the scheduled offence, and the trial of both sets of offences by the same court shall not be construed as joint trial;

(ii) the complaint shall be deemed to include any subsequent complaint in respect of further investigation that may be conducted to bring any further evidence, oral or documentary, against any accused person involved in respect of the offence, for which complaint has already been filed, whether named in the original complaint or not.

(2) Nothing contained in this section shall be deemed to affect the special powers of the High Court regarding bail under section 439 of the Code of Criminal Procedure, 1973 (2 of 1974) and the High Court may exercise such powers including the power under clause (b) of sub-section (1) of that section as if the reference to Magistrate in that section includes also a reference to a Special Court designated under section 43."

[emphasis supplied]

9. A bare reading of Section 44(1)(c) of the PMLA makes it clear as day that the clause is speaking of two courts, each of which has already taken cognizance — one of the scheduled offence, and the other, being the Special Court, of the money-laundering complaint. Only when both the courts have taken cognizance and they turn out to be different courts, does the mechanism of committal come into play. Section 44(1)(c) of the PMLA does not say "*if the Special Court is likely to take cognizance*" or "*once the Special Court is seized of the complaint*". It explicitly states that the Special Court must have "*taken cognizance*".

10. In the decision of the Supreme Court in *Rana Ayyub* (supra), in the very passages relied upon by the petitioner, the taking of cognizance by the Special Court is treated as a fact already accomplished and it is not stated to be a mere formality to be dispensed with.

11. The Supreme Court in *Vijay Madanlal Choudhary* (supra) speaks of the amendment clarifying how trials are to proceed once both cases are properly instituted and it does not say that an application can be entertained in anticipation of cognizance.

12. On the admitted facts here, the Special Court at Madurai has not taken cognizance of the money-laundering complaint. It has only issued a notice under Section 223 of the BNSS calling the accused to appear before it decides whether to take cognizance at all, which is a pre-requisite that is held to be mandatory and must be complied with before cognizance can be taken, as has been held by the Supreme Court in *Kushal Kumar Agarwal* (supra) and was also emphasized in *Seeman* (supra).

13. Admittedly, one of the two essential facts on which Section 44(1)(c) of the PMLA is built, viz., cognizance by the Special Court, is not yet satisfied. An application asking the Thoothukudi Court to commit the case, even when cognizance was not taken by the Special Court, in our considered view, is premature.

14. That apart, the second respondent was a Minister and a sitting legislator during the period in question. The Special Court at Madurai itself asked for the sanction in September 2025. Nearly a year has gone by and the petitioner has still not produced the same. In the absence of such sanction being produced, the Special Court is not likely to take cognizance against the second respondent. Therefore, the default, if any, lies on the part of the petitioner.

15. Moreover, Section 44(1)(c) of the PMLA exists to save time and to avoid the risk of two courts reaching different conclusions on the same facts. It was never meant to serve as a means of reopening a trial that has, for all practical purposes,

already been fought and finished. Here, 79 prosecution witnesses and 312 exhibits stand examined and marked; the defence has led its own evidence through 6 witnesses and 74 exhibits; both sides have closed their evidence; the prosecution has completed its arguments and the defence has argued in substantial part. To commit such a case, at this stage, to the Special Court at Madurai, which has not even taken cognizance of the connected money-laundering complaint would simply delay the case before the Thoothukudi Court, which is on the verge of conclusion.

16. In *Deputy Director v. Deputy Superintendent of Police* (supra), relied upon by learned counsel for the petitioner, the transfer was directed where the Special Court had already taken cognizance, where both courts sat within the same city and the same sessions jurisdiction, and where the scheduled-offence trial was still actively in progress. None of those three features is present in the case at hand.

17. In the case of *Rana Ayyub* (supra), the question of forum was considered at an early stage of the proceedings, where the trial

had not gone far. The decision in *Ranjit Singh Kothari* (supra) emphasizes about the general legislative intention that one court should try both offences, which principle this Court does not doubt, but only states is not applicable to the facts of the present case where cognizance is not yet taken and there no sanction has been obtained.

18. The discretion recognised in *Pankajini Sahu* (supra) that committal under Section 44 of the PMLA is not to be ordered as a matter of course, but only where the interest of justice calls for it, is, in the circumstances, of direct application and points firmly against committal at this stage.

19. A trial delayed at its very end, for reasons having nothing to do with its own merits, is a trial denied in substance. The observations made by the Constitution Bench in *Abdul Rehman Antulay v. R.S. Nayak*[8] recognise that cases of disproportionate assets against public servants do, by their nature, take long and that is all the more reason not to add fresh, avoidable delay once

[8] *(1992) 1 SCC 225*

such a case has almost reached its destination.

20. Equally, this Court is conscious of the principles restated in *High Court Bar Association, Allahabad v. State of U.P.*[9] governing when an interim stay may be vacated, viz., where there is a material change in circumstances, or where continuing the stay would only serve to prolong matters without justification. In the case at hand, by virtue of the stay granted, the trial that this Court itself had earlier directed to be finished within six months in the earlier round of proceedings, has instead stood still and the parallel proceeding with which it was sought to be committed did not move any closer to cognizance.

21. It also needs to be pointed out that the petitioner had, in April 2023, already sought similar relief by way of an application under Sections 301(2) and 302(2) of the Code before the same court, and that petition was dismissed on merits in July 2024, without any appeal being carried against it. While this Court refrains from treating that dismissal as a formal bar, it is a relevant

[9] *(2024) 6 SCC 267*

circumstance bearing on the propriety of a second attempt, through a different provision, to secure what is substantially the same outcome, particularly when raised only after the scheduled-offence trial had progressed still further towards conclusion.

22. In view of the findings rendered hereinabove, the other issues raised pale into significance and are left open to be adjudicated in an appropriate case, as any finding rendered herein will have a bearing on the merits of the case to be pleaded before the appropriate court.

23. For all these reasons, this court is satisfied that the order dated 11.12.2025 passed by the learned Principal Sessions Judge, Thoothukudi, rejecting the petitioner's application under Section 44(1)(c) of the PMLA, warrants no interference. The application was premature, since the Special Court at Madurai has not taken cognizance of the money-laundering complaint and cannot presently do so in the absence of the sanction required under Section 197(1) of the Code. The trial in Spl.C.No.3 of 2019 has reached a stage where sending it to another court would cause real prejudice to the

accused and serve no legitimate object of the statute.

24. Crl.O.P.(MD) No.3792 of 2026 accordingly fails and is dismissed. There shall be no order as to costs.

25. As a consequence, Crl.M.P.(MD) No.11904 of 2026 filed by the accused for vacating the interim stay of proceedings in Spl.C.No.3 of 2019 granted on 15.04.2026 is allowed and Crl.M.P.Nos.4074 of 2026 stands dismissed.

26. The Principal Sessions Judge, Thoothukudi, is directed to take up Spl.C.No.3 of 2019 at the earliest available date and proceed further with all due expedition, bearing in mind that this court had earlier directed its disposal within a time-bound schedule and that the case has, for reasons beyond the control of either side, already run well past that schedule.

27. We make it clear that nothing in this judgment shall be taken as an expression of opinion on the merits of the disproportionate assets case or on the merits of the money-

laundering complaint pending before the Special Court, Madurai, both of which shall be decided independently, on their own merits, by the respective courts seized of them.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
04.08.2026

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Neutral Citation : Yes
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To:

1.The Assistant Director
Directorate of Enforcement,
Ministry of Finance,
Department of Revenue,
Chennai Zonal Office-II,
No.16, Greams Road, Tower-II,
3rd Floor, Thousand Lights West,
Thousand Light,
Chennai-600 006.

2.The Additional Superintendent of Police,
Directorate of Vigilance and Anti-Corruption, Thoothukudi.

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

Crl.O.P.(MD) No.3792 of 2026

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