IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2025

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1522 of 2025
and Crl.M.P.Nos.15980 & 15981 of 2025

Harshitha Annapragada ... Petitioner

Vs.

State rep. By
The Superintendent of Police,
CBI, ACB, Chennai. ... Respondent

PRAYER: Criminal Revision Petition filed under Sections 438 and 442 of BNSS, to set aside the order dated 10.07.2025 passed by the learned IX Additional Special Judge for CBI Cases, Chennai in Crl.M.P.No.1261 of 2024 in C.C.No.4 of 2023 and consequently discharge the petitioner/2nd accused from all offences charged in the Charge Sheet in C.C.No.4 of 2023 pending on the file of the learned IX Additional Special Judge for CBI Cases, Chennai.

For Petitioner : Mr.Rahul M.Shankhar

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor (CBI Cases)

ORDER

The petitioner/A2 in C.C.No.4 of 2023 filed a discharge petition before the Trial Court in Crl.M.P.No.1261 of 2024. The Trial Court dismissed the same by order dated 10.07.2025. Against which, the present revision petition filed.

2.The case of the prosecution is that the respondent registered a Disproportionate Asset Case in RC 27(A)/2020 on 31.12.2020 under Section 13(2) r/w. 13(1)(e) and Section 13(2) r/w. 13(1)(b) of Prevention of Corruption Act against the petitioner's husband Dhara Prasad, who was the then Assistant Manager (Finance & Accounts), Bharat Electronics Limited (BEL), Nandambakkam, Chennai. During the check period 01.04.2017 to 04.02.2020, the petitioner's husband, a public servant, acquired properties through corrupt means and accumulated assets in his name and in the name of his wife (petitioner herein) to the tune of Rs.1,88,73,268/-. Thereafter investigation revealed that at the beginning of check period i.e., 01.04.2017, the petitioner and her husband were in possession of movable and immovable assets to an extent of Rs.20,64,464/- and at the end of the check period i.e., 04.02.2020, the petitioner and her husband were in possession of movable and immovable assets worth Rs.2,40,46,951/- and they had income of Rs.52,93,120/- and expenditure of Rs.35,20,133/-. Thus, they were found in possession of assets to the tune of Rs.2,02,09,500/-. The investigation further revealed that the petitioner had intentionally acted and abetted the commission of acquiring disproportionate assets by her husband and hence the petitioner as an abettor aided in acquiring, concealing and holding the property by her husband in the name of the petitioner. On conclusion of investigation and after obtaining sanction, charge sheet filed before the Trial Court listing LW1 to LW41 and documents LD1 to LD77.

3.The contention of the learned counsel for the petitioner is that a bare perusal of the charge sheet would show that there is no basis to frame charges against the petitioner and the allegations are groundless even if they are unrebutted. He would further submit that both petitioner and her husband are Income tax assessees filed income tax returns for the relevant period. Thus income tax particulars are available with the respondent and the returns indicate the income of the petitioner and her husband. However, without any basis in the charge sheet a lesser income of Rs.52,93,120/- was shown. The respondent failed to take into consideration the actual income of the petitioner as per her income tax returns. The petitioner's husband declared all the transactions to the Department and assets, possession of gold articles, loans taken from time to time from financial institutions and banks. The same recorded by the Department but the respondent not considered the same. He further submitted that conducting of preliminary enquiry is indispensable in a complaint of acquisition of disproportionate assets to the huge amount of Rs.2,02,09,500/- which is 381.80% more than the known source of income. The petitioner earning a sizeable income from part time accounting jobs, tuitions and real estate commission transactions. These incomes not considered. He further submitted that the petitioner is not an ostensible owner of the property. The petitioner regularly filing her income tax returns during and post the check period, not considered by the respondent as well the Lower Court. No explanation sought from the petitioner. The respondent not given due consideration on the information and explanation provided by the petitioner's husband before arriving at a total value of the assets standing in the name of the petitioner. He would further submit that against the petitioner's husband PMLA case registered in which the petitioner is a witness, had the petitioner had taken part in projecting the ill-gotten tainted money as genuine, she would not have been cited as a witness. The properties listed in the charge sheet were purchased by the petitioner's husband through funds/loans received from his friends, relatives and by way of housing loan. Further alleged unexplained amount was received from the petitioner's husband from investments, mortgage of property and agriculture income of land. The Trial Court not considered various grounds raised by the petitioner and dismissed the discharge petition stating that admittedly some immovable properties standing in the name of the petitioner and she has no fixed source of income to purchase these properties and the petitioner is entitled to establish her lawful source of income in the full fledged trial, a general observation made, not referring to the points specifically raised by the petitioner that the same not considered.

Hence, the order of the Lower Court to be set aside and petitioner to be discharged from the case.

4.In support of his contentions, the learned counsel for the petitioner relied upon the following decisions:

1) In the case of ***Kumudini Padhy vs. State of Odisha*** reported in ***2019 SCC Online Ori 304***, wherein the Orissa High Court referred to the decision of the Apex Court in the case of ***P.Nallammal vs. State*** reported in ***(1999) 6 SCC 559***, wherein the Apex Court held that merely because some of the disproportionate assets stand in the name of the non-public servant, without any element of abetment, then the person cannot be asked to face the trial along with the public servant.
2) In the case of ***P.Nallammal vs. State rep. by Inspector of Police*** reported in ***(1999) 6 SCC 559***, wherein the Apex Court considered the abetment and given three illustrations and if a person comes under any of the illustrations then only he can be charged along with the public servant. In the present case, on the facts and materials collected, the petitioner's act would not come under any of the illustrations.

3) In the case of ***P.Shanthi Pugazhenthi vs. State rep. by the Inspector of Police, SPE/CBI/ACB/Chennai*** reported in ***2025 SCC Online SC 1091*** wherein the Apex Court referring to the case of ***P.Nallammal*** held that it should be shown that the petitioner had actively involved in concealing any wealth by getting assets in her name. In the present case, the petitioner is holding the property in her independent name.
4) In the case of ***Saju vs. State of Kerala*** reported in ***(2001) 1 SCC 378***, wherein it is held that to prove the charge of abetment, the prosecution is required to prove that the abettor had instigated, conspired or intentionally aided by an act of illegal omission for doing the act.

5.The learned Special Public Prosecutor filed his counter and submitted that the petitioner's husband was the then Assistant Manager (Finance and Accounts), Bharat Electronics Limited, Nandambakkam, Chennai and is a public servant. During the check period, he accumulated assets in his name and in the name of his wife (petitioner herein) to the tune of Rs.2,02,09,500/- which is 381.80% more than their income. The check period was fixed from 01.04.2017 to 04.02.2020. Apart from this case, the petitioner's husband is involved in three other cases and charge sheet filed against him in C.C.Nos.8/2022, 10/2022 and 11/2022 in which the petitioner's husband filed a discharge petition, on dismissal filed a revision petition before this Court in Crl.R.C.Nos.1386, 1394 and 1397 of 2024. This Court by order dated 13.10.2025 dismissed the revision petitions. During investigation of the earlier allegations against the petitioner's husband in creating false accounts, misappropriation of public funds of BEL, the petitioner's house searched and materials collected and the present case was registered, investigation completed and charge sheet filed after obtaining sanction. He further submitted that the petitioner's contention that the petitioner was employed as part time accountant receiving salary income for the period May 2019 to February 2020 considered. The salary certificate issued by M/s.DZR & Co., Cost and Management Accounts, Hyderabad amount to Rs.2,59,639/- is reflected in Statement-C. The evidence collected incorporated in the Disproportionate Assets calculation. The petitioner's expenditure such as medical, travel and conveyance expenses not included in Statement-D which only operates to her advantage rather than prejudice, as she claims.

6.The learned Special Public Prosecutor further referring to Tabulations in Statements-A, B, C and D filed in the charge sheet submitted referring to Statement-B that item No.1, purchase of Plot No.29, HUDA approved layout situated at Kowkoor Village under Greater Hyderabad Municipal Corporation stands in the name of the petitioner and construction was made by the petitioner which is shown as item No.2, purchase of semi-constructed independent house in Plot Nos.122 and 123 in Sai Krishna Enclave, Yapral Village,Medchal, Malkajgiri District jointly stands in the name of the petitioner and her husband, in the same property independent house constructed which is listed in item Nos.3 and 4, purchase of residential independent house in Plot No.46 HUDA approved layout Sai Krishna Enclave jointly stands in the name of the petitioner and her husband. The employer of the petitioner's husband called for explanation for the properties in the name of the public servant and his family members details of these properties given. The amount for purchase of these properties was paid either in cash or through bank transfers. The deposits in her husband's account were from other sources for which he could not give any explanation. The petitioner abetted her husband to acquire properties in his name as well as in the name of the petitioner for which they could not properly account for. During investigation, the officials from BEL, HR Department, vendors to the property, the mode of payment received by them and the SRO confirming the properties in the name of the petitioner and her husband, bank transactions all collected and the concerned witnesses examined. Further, Motor Car Ford Ecosport was purchased in the name of the petitioner and later sold, a portion of it was projected as received in cash and a portion of it was adjusted for the civil works carried out by LW5 for construction of house of Yapral, Secunderabad. The SRO Ms.G.Palani Kumari was examined as LW2, the vendors examined as LW3, LW4 and LW5, all confirmed the petitioner and her husband acquiring properties and the mode of payment which are doubtful and not properly explained. Though the petitioner claims that she declared the same to the Income Tax Department, the same needs to be considered and verified. Mere filing of income tax returns would not absolve the petitioner from the case. He further submitted that at the stage of discharge, the Trial Court is required only to look into the fact whether prima facie materials available to proceed against the petitioner, the explanation now given are disputed can be decided only during trial. There are sufficient materials to proceed against the petitioner and finding the same, the Trial Court rightly dismissed the discharge petition. Hence, prayed for dismissal of the revision petition.

7.In support of his contentions, the learned Special Public Prosecutor relied upon the following decisions:

1) In the case of ***Kanti Bhadra Shah vs. State of West Bengal*** reported in ***(2000) 1 SCC 722***, wherein the Apex Court held that at the stage of charge, a detailed order is not necessary, it is sufficient if the Court has applied its mind to the material.
2) In the case of ***State of Tamil Nadu vs. N.Suresh Rajan*** reported in ***(2014) 11 SCC 709***, wherein it is held that the stage of discharge is not meant for a roving enquiry into the merits of the prosecution case.
3) In the case of ***Subramanian Swamy vs. CBI*** reported in ***(2014) 8 SCC 682***, wherein the Court emphasized that frivolous petitions obstructing the trial process must be discouraged.

8.Considering the submissions made and on perusal of the materials, it is not in dispute that the petitioner's husband is a public servant employed as Assistant Manager (Finance and Accounts), Bharat Electronics Limited, Nandambakkam, Chennai. It is a case of Disproportionate Asset wherein the respondent clearly charted out in Statement Nos.A, B, C and D, assets at the beginning of the check and at the end of the check period, income at the beginning of the check period and expenditure, likely savings and thereafter calculated the disproportionate assets. The contention of the petitioner is that she had been employed as Part Time Accountant in M/s.DZR & Co. from the year 2019 and her salary is Rs.38,500/-. Further, her father a retired Teach from A.P Residential School helped her financially and also gifted her with properties. The petitioner marriage with her husband in the year 2015. It is the primary contention of the petitioner that her husband, a public servant and A1 in this case not informed about his salary and nature of work. If any property was acquired by husband, it is for him to give explanation and not the petitioner. Admittedly the petitioner is not a public servant but there are properties listed in Statement-B stands in the name of the petitioner and her husband jointly for which the petitioner has to necessarily give explanation. Though the petitioner's husband had submitted property details and source of money to HR Department of BEL, considered by the respondent found not satisfactory and without any materials, some of the amounts paid to the vendors through bank transactions but the source of deposits of amount are clouded with mystery and diverted from other sources for which petitioner's husband is facing prosecution. These facts have necessarily to be decided only during trial by way of explanation by the petitioner and her husband. Since it is a disputed fact it cannot be considered at the stage of discharge. The petitioner though claims to have filed income tax returns, no such documents produced either before the Trial Court or before this Court. If produced, it needs to be verified and considered during trial. In view of the above, this Court finds no merits in the petitioner's contention.

9.In the result, the Criminal Revision Petition stands dismissed. It is made clear that the observations made herein is only for the purpose of disposing of the above petition. The trial Court uninfluenced with the above observations shall decide the case on its own merits and in accordance with law. Consequently connected miscellaneous petitions are closed.

24.11.2025

Index:Yes/No
Speaking Order/Non-Speaking Order
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To

1.The IX Additional Special Judge for CBI Cases,
Chennai.

2.The Superintendent of Police,
CBI, ACB, Chennai.

3.The Special Public Prosecutor for CBI Cases,
High Court, Madras

M.NIRMAL KUMAR, J.

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