



TAMIL NADU STATE JUDICIAL ACADEMY REGIONAL CENTRE, MADURAI

Special Training Programme on Prevention of Corruption Act

26.11.2022 and 27.11.2022

PROGRAMME REPORT

A two-day Special Training Programme on **Prevention of Corruption Act**, was conducted on 26.11.2022 and 27.11.2022 at Tamil Nadu State Judicial Academy, Regional Centre, Madurai. The Programme was commenced by Mr. S. Muthu Maharajan, Deputy Director, Tamil Nadu State Judicial Academy, Regional Centre, Madurai, by welcoming Resource Persons and participant Judicial Officers. He also explained the scope and object of the programme.

Day 1 - 26.11.2022 (Saturday)

In the first session, the topic, “**Criminal Misconduct & Illicit Enrichment – Scope & Effects of 2018 Amendment**” was taken by Mr. T. P. Anandkrishnan, Additional Superintendent of Police, CBI, Special Crime, Chennai. He explained the Illicit Enrichment in a detailed manner and other relevant procedures along with case laws. The Resource Person also explained as to how to investigate a case properly and he differentiated the changes in the Act through Amendment in the year 2018. He elaborated various

aspects on the said topic regarding time frame to complete the investigation, burden of proof lays down on prosecution and how to work out DA cases and also described the analogy of DA cases with the example of water tank and its ingredient with relevant case laws.

Furthermore, the Resource Person illustrated on finding the value of the property at the time of acquisition, in a practical manner. He described the check period and its importance and also gave an elaborate discussion regarding ABCD statements. Further, he illustrated DA calculations for the purpose of investigation. He enriched the Judicial Officers by clarifying all the doubts raised by them in interaction session.

In post lunch session, Mr. M. Udhayavelavan, Additional Judicial Member, Sales Tax Appellate Tribunal, Madurai, lectured on the topic of “**Dishonest or Fraudulent Misappropriation or Conversion of Property**”. In this session, the Resource Person highlighted all the relevant provisions on the said topic with various case laws and he shared his practical experience too. He explained the definition of Public Servant and Public Duty and also highlighted the important aspects in the Vigilance Manual. In interaction session, the Resource Person clarified all doubts raised by participant Judicial Officers.

Day 2 - 27.11.2022 (Sunday)

In the second day, the topic “**Requirement of Sanction u/s.19 of Act in the Light of 2018 Amendment**” was taken by Mr. J. Omprakash, Special Judge, Special Court for trial of Cases under Prevention of Corruption Act, Chennai. He emphasised the salient features of the Act by referring various case laws and relevant provisions in I.P.C. and Cr.P.C. The Resource Person also made a demonstration for a trap case which was very interesting and useful. He also explained about the DP Assets and its calculation.

Further, he reiterated the G.O.No. 155, dt. 26.10.2010, regarding the powers delegated to Inspector of Police for investigation of PC cases and also described the importance of check period by Power Point Presentation.

In post lunch session, the topic “**Sentencing under P.C. Act**” was taken by Mr. R. Gandhi, Advocate, Madurai Bench of Madras High Court, Madurai. He said that there is no Sentencing Policy in India and we are guided by Judicial Pronouncements in this regard. The Resource Person explained various precedents guiding the sentencing aspects and emphasised that while awarding sentence in P.C. Act cases, there should not be any leniency. He also highlighted the relevant provisions which imposes punishment and explained about the mitigating and aggravating circumstances to be considered while awarding sentence after conviction. He answered all the queries raised by the participants.
