

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.7.2015

CORAM:

THE HON'BLE MR.JUSTICE P.DEVADASS

Crl.R.C. No.545 of 2015

Soundararajan

... Petitioner/Accused

Vs.

State Rep. By Inspector of Police,
CBI/ACB, Chennai.

... Respondent/Complainant

Petition filed under Section 397 and 401 of the Code of Criminal Procedure, to set aside the order of Principal Sessions Judge, Puducherry in Crl.M.P.No.474 of 2015 in Crime No.RC MAI 2014 A 0007 of SPE/CBI/ACB Chennai dated 21.04.2015 which was partly allowed and consequential direction to return the petitioner property confiscated by the respondent police without imposing any condition.

For Petitioner : Mr.T.Karthik Srinath for
K.M.Vijayan Associates

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor, C.B.I

O R D E R

Aggrieved by the partial relief granted by the trial Court, namely, the Special Judge, CBI cases/Principal Sessions Judge, Puducherry in Crl.M.P.No.474 of 2015, A1, namely, Soundararajan directed this revision. सत्यमेव जयते

2. The Central Police Organisation (CPO) registered a case in Crime No.RC MAI 2014 A 0007 of SPE/CBI/ACB Chennai on the allegation that the petitioner committed certain criminal misconduct in the matter of making appointments in the cadre of sub staff in Indian Overseas Bank.

3. The matter is being investigated into. In the course of investigation, the Investigating Officer seized certain items and he

submitted the details of same by way of his search list to the Court. The search list contains 5 items.

4. In CrI.M.P.No.474 of 2015, under Section 451 Cr.P.C, the petitioner sought for return of those items. In its impugned order dated 21.4.2015, the trial Court granted him relief with respect to items concerning his daughter S.Subhashri and with respect to rest of the items, rejected the relief holding that the petitioner had failed to substantiate by relevant documents that those items do not connect with the crime reported. In the circumstances, with respect to the rejected portion, this revision has been directed by the petitioner.

5. It is submitted by the learned counsel for the petitioner that item No.1, relating to title deeds of property and item No.2 containing LIC policies are totally unconnected with the period during which the offence is alleged to have been committed by the petitioner. In such circumstances, not returning them is not in accordance with law.

6. On the other hand, the learned Special Public Prosecutor, CBI cases submitted that the trial Court while rejecting a portion of the relief gave cogent reasons and it does not suffer from any perversity or legality when especially the trial Court itself remarked that those aspects can be very well adjudicated in the trial Court during trial and the trial Court also remarked that no documentary proof has been let-in to show that those documents are totally unconnected with the offence alleged.

7. In reply, the learned counsel for the petitioner submitted that in the facts and circumstances, no proof is needed because ipso facto they will show that those documents namely, item Nos.1 and 2 are totally unconnected with the imputations made against the petitioner and this is apparent on the face of the record.

8. I have anxiously considered the rival submissions, perused the materials on record and the impugned order and search list of the investigating officer.

9. In the search list, the contents of item Nos.1 and 2 are as under:

"(i) item No-1, containing documents of properties purchased on 22.03.1990, 13.11.2002, 09.09.2002, 23.02.2007, 31.03.2003, 16.10.2003, 31.08.2006, 06.08.2010, 29.03.12, 01.01.2006, 25.09.2002, 14.3.2009, 14.09.1988, 29.06.87 (sheets No-01 to 118).

(ii) item No.2, containing IOB deposit receipt

108779, share certificate No-0097805, LIC Policy Nos. 733439951, 735925814, 735934126, L & T Infra Certificate No-705271, LIC Policy No-750863307, LIC Policy No-751532061, LIC Policy No- 732239427, LIC Policy No.733027269 (sheets 01 to 16)"

10. It is seen that item Nos. 1 and 2 is much prior to the period pertaining to the allegations made against the petitioner. In the facts and circumstances, the petitioner is entitled to return of the same.

11. In view of the foregoing, item Nos. 1 and 2 mentioned in the search list dated 07.03.2014 filed by the investigating officer shall be returned to the petitioner excluding the Encumbrance Certificate in form No.1 relating to the present period concerning the allegations against the petitioner. With respect to the bank account and bank locker, liberty is given to the petitioner to move the trial Court seeking appropriate relief after the filing of the final report. If such application is filed, the trial Court will decide the same after giving opportunity to both sides.

12. Accordingly, this criminal revision case is disposed of.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Special Judge, CBI Cases/Principal Sessions Judge, Puducherry.
2. The Special Public Prosecutor, CBI Cases, Chennai.
3. Inspector of Police, CBI/ACB, Chennai.

+1cc to M/s.K.M.Vijayan Associates, Advocate, S.R.No.35107

Cr1.R.C. No.545 of 2015

SCD(CO)
CA(21/07/2015)