

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.10.2015

Coram

The Honourable Mr. Justice A.SELVAM

Crl. R.C.No.971 of 2015
& M.P.No.1 of 2015

Sandhya Verma

.. Petitioner

vs.

Union of India rep.by
The Inspector of Police
CBI/SCB, Chennai 90

.. Respondent

Revision under Sections 397 and 401 of Criminal Procedure Code to call for records in Crl.M.P.No.442 of 2014 in C.C.No.42/2013 pending trial on the file of the XI Additional City Civil and Sessions Judge cum Special court for CBI, Chennai and revise the same and in effect discharge the petitioner from the case.

For petitioner : Mr.K.P.Anantha Krishnan

For respondent : Mr.K.Srinivasan,
Spl.Public Prosecutor

O R D E R

This Criminal Revision Case has been directed against the order passed in Crl.M.P.No.442 of 2014 in C.C.No.42/2013 by the XI Additional City Civil and Sessions Court (CBI cases relating to Banks and Financial Institutions), Chennai.

2. It is averred in the petition that the petitioner has been arrayed as third accused. The petitioner and others are said to have committed offences punishable under section 120-B r/w 420, 468 and 471 of Indian Penal Code and also under section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1998. Further, it is averred in the petition that the petitioner is a third party and she is a non-public servant and she has no connection whatsoever with the offences mentioned in the final report. Under such circumstances, present petition has been filed for getting the relief sought therein.

3. The court below, after considering the divergent contentions raised on either side, has dismissed the petition. Against the dismissal order, the present Criminal Revision Case has been preferred at the instance of the petitioner/accused No.3, as revision petitioner.

4. The learned counsel appearing for the revision petitioner has contended that the revision petitioner is a non-Government servant and she has no connection whatsoever with the offences mentioned in the final report and she has been falsely implicated. Under such circumstances, Crl.M.P.No.442 of 2w014 has been filed on the file of the court below for getting discharge, but the Court below has erroneously dismissed the same.

5. The learned Special Public Prosecutor has contended that the fourth accused has filed a Criminal Original Petition No.8851 of 2014 for quashing the proceedings as against him, wherein this Court has given a finding to the effect that with regard to one of the co-accused by name Nagarathinam, sanction has not been accorded and further this Court has held that no sanction has been obtained so as to prosecute the fourth accused under section 197 of Cr.P.C and ultimately allowed Criminal Original Petition No.8851 of 2014 and quashed the proceeding in respect of the fourth accused.

6. Considering the fact that the fourth accused and Nagarathinam are public servants and since no sanction has been accorded in respect of the said Nagarathinam and since necessary sanction has not been obtained against the fourth accused Mr.Narayanan, the proceedings against the non-Government servants, namely, the present petitioner and others cannot be continued. It is an admitted fact that Crl.M.P.No.442 of 2014 has been filed only by the third accused. Now, as against accused Nos.1 to 3, the proceeding in C.C.No.42 of 2013 is pending.

7. Considering the aforesaid factual aspects, this Court is of the view to set aside the order passed in Crl.M.P.No.442 of 2014 and remit the matter to the court below for passing necessary order against the accused 1 to 3 in consonance with the order passed in Criminal Original Petition No.8851 of 2014.

In fine, this Criminal Revision Case is allowed and the order passed in Crl.M.P.No.442 of 2014 by the court below is set aside and the petition filed in Crl.M.P.No.442 of 2014 is remitted to the file of the court below. The court below is directed to look into the order passed in Crl.O.P.No.8851 of 2014 by this Court and pass

necessary orders in respect of the accused Nos.1 to 3. The connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS IV)

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Sub Asst. Registrar

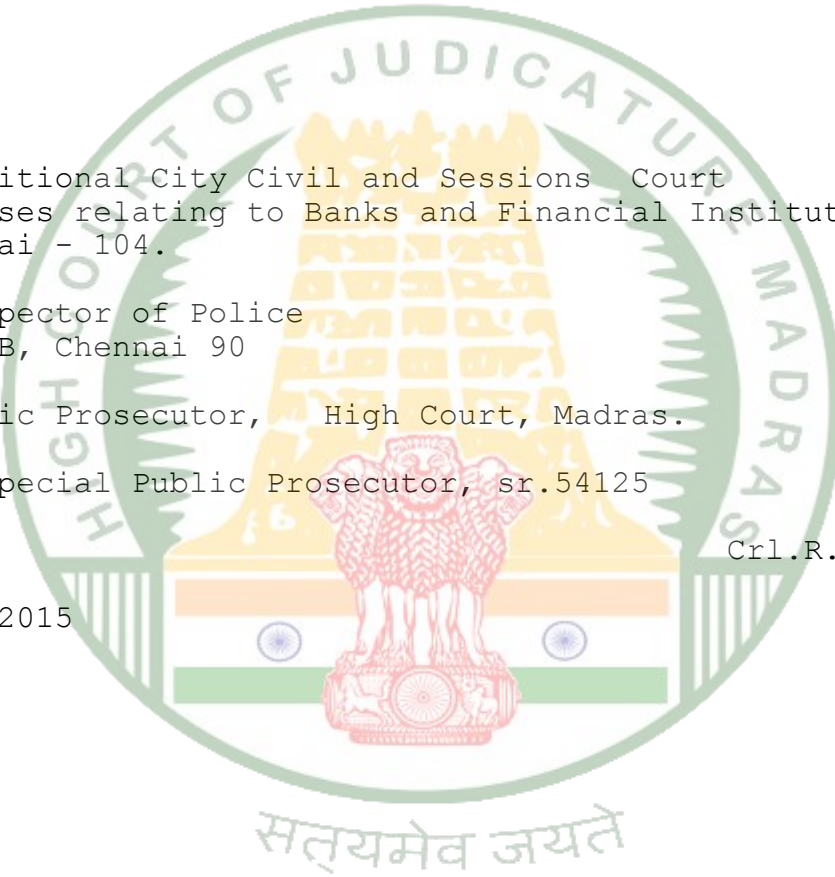
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To

1. XI Additional City Civil and Sessions Court
(CBI cases relating to Banks and Financial Institutions),
Chennai - 104.
 2. The Inspector of Police
CBI/SCB, Chennai 90
 - 3.The Public Prosecutor, High Court, Madras.
- +1 cc to Special Public Prosecutor, sr.54125

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