

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.05.2016

C O R A M

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN

Criminal Revision Case No.749 of 2016

K.Ramalinga Jothi

.. Petitioner/Accused-3

Vs

State rep. by
The Inspector of Police,
Anti Corruption Branch,
Central Bureau of Investigation,
Shastri Bhavan, Chennai.
(Crime No.RC MAT 2015 A 0030)

.. Respondent/Complainant

Criminal Revision Case is filed to set aside the portion of the order in so far giving surety of bank guarantee of Rs.25,00,000/- before the XI Additional City Civil and Sessions Judge for CBI Cases, Chennai in CrI.M.P.No.3954 of 2015 in Crime No.RC-MA1 2015 A 0030, dated 28.03.2016 is concerned and to direct the Respondent to return the petitioner's property confiscated by the respondent police without imposing any condition.

For petitioner M/s. K.M.Vijayan Associates

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

ORDER

The Criminal Revision Case is filed to set aside the portion of the order in so far as giving surety of bank guarantee of Rs.25,00,000/-, before the XI Additional City Civil and Sessions Judge for CBI Cases, Chennai in CrI.M.P.No.3954 of 2015 in Crime No.RC-MA1 2015 A 0030, dated 28.03.2016 is concerned and to direct the Respondent to return the petitioner's property confiscated by the respondent police, without imposing any condition.

2. The petitioner is the third accused in Crime No.RC-MA1 2015 A 0030, on the file of the XI Additional City Civil and Sessions Judge for CBI Cases, Chennai. The Petitioner had been prosecuted by the respondent police for the offences under

Sections 120(b) r/w 420, 468, r/w 471 of IPC and Sections 7,9 and 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988. It is the case of the respondent that the petitioner indulged in illegalities in absorbing temporary staff in the Indian Overseas Bank. On 11.08.2015, the respondent police conducted a search at the residence of the petitioner and a locker key pertaining to locker No.49 held by the petitioner with the Indian Overseas Bank was seized. Since the petitioner's daughter marriage is fixed, he filed a petition before the court below seeking to return of the bank locker key in order to use the jewels kept in the locker for performing the marriage function. However, the Court below, after analysing the entire evidences, had permitted the petitioner to take back the documents pertaining to his property alone on condition that the Petitioner shall furnish a bank guarantee for a sum Rs.25,00,000/-. From the perusal of the documents pertaining to his property, the petitioner came to know that there had been endorsements in the said documents. Since the documents have been counter signed by the respondent authorities, the petitioner was not able to produce the same for the purpose of furnishing bank guarantee. Hence, the petitioner is before this Court seeking the aforesaid relief.

3. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor.

4. Considering the submissions made on either side, the petitioner is directed to produce the valuation certificate issued by the authorised valuer with regard to the property, with an affidavit of undertaking, to the satisfaction of the XI Additional City Civil and Sessions Judge for CBI Cases, Chennai and the same shall be considered by the Court below for considering the return of locker key pertaining to locker No.49 so as to use the jewels for the marriage function of the Petitioner's daughter.

5. With the above observation, this Criminal Revision Case is disposed of.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

smi/pri

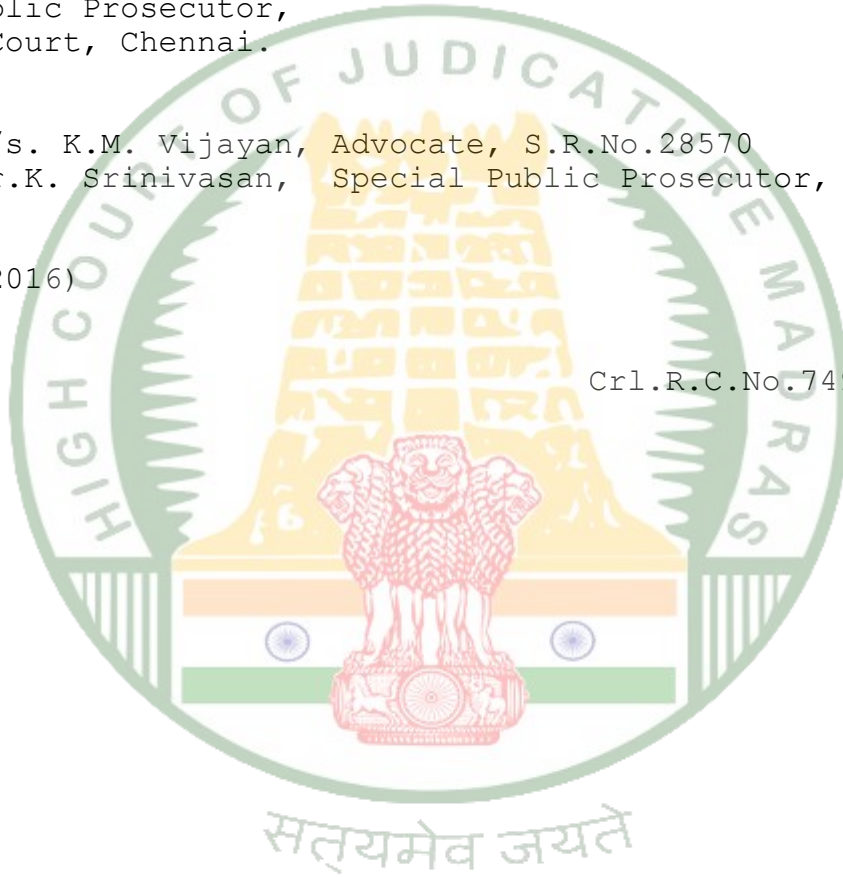
To

1. The Inspector of Police,
Anti Corruption Branch,
Central Bureau of Investigation,
Shastri Bhavan, Chennai.
2. The XI Additional City Civil and
Sessions Judge for CBI Cases, Chennai.
3. The Public Prosecutor,
High Court, Chennai.

+1cc to M/s. K.M. Vijayan, Advocate, S.R.No.28570
+1cc to Mr.K. Srinivasan, Special Public Prosecutor, S.R.No.

PA(CO)
EU(20/05/2016)

Cr1.R.C.No.749 of 2016



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