

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2017

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.27667 of 2017
and Crl.R.C.No.1556 of 2017
and Crl.M.P.No.15659 of 2017

P.Sadgopan

... Petitioner in both Crl.OPs

Versus

The State of Tamil Nadu,
represented by
The Investigation Officer,
CBI, ACB, Chennai.

... Respondent in both Crl.OPs

PRAYER in Crl.O.P.27667 of 2017: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to quash the charge sheet submitted in C.C.No.7 of 2011, on the file of the Learned 2nd Additional District Judge and Special Judge for CBI cases, Coimbatore.

PRAYER in Crl.R.C.1556 of 2017: Criminal Original Petition filed under Section 397 r/w.401 of the Criminal Procedure Code to set aside the Order dated 06.05.2015 in Crl.M.P.No.845 of 2011 in C.C.No.7 of 2011, on the file of the Learned 2nd Additional District Judge and Special Judge for CBI cases, Coimbatore, dismissing the discharge petition preferred by the petitioner.

For Petitioner : Mr.N.R.Elango Senior Counsel
in both Crl.OPs for Ms.Aruna Elango

For Respondent : Mr.K.Srinivasan, Spl.PP (CBI)
in both Crl.OPs

ORDER

The petitioner herein who is arrayed as fifth accused in C.C.No.7 of 2011, pending on the file of Second Additional District Judge and Special Judge of CBI Cases, Coimbatore, seeks quashing of the criminal prosecution on the ground that, in the FIR registered on 31.03.2010, based on source information he was not shown as accused, but while filing final report he is arrayed as fifth accused and the main persons shown as Accused in the FIR has been excluded and no explanation is given, while the said persons Mohanty and Thiyagarajan were not included in the final report.

2. Further, it is contended by the learned counsel for the petitioner, that the petitioner herein had only proposed the name of Sri Lakshmi Textiles Mills as a prospective customer, whereas the loan application was recommended and processed by the other persons. He had no role in recommendation or in sanctioning the loan to the said Lakshmi Textiles Mills. While so, alleging that he has abused his official position as public servant and in pursuant to the criminal conspiracy induced to extend loan to the said Sri.Lakshmi Textiles Mills and caused loss to the bank to tune of Rs.8,01,32,822/- is unsustainable and hence, the prosecution has to be quashed.

3. Whereas, the learned Special Public Prosecutor referring the Section 161 statement of the approver and the Section 161 statement of other witnesses recorded during the investigation submitted, that the petitioner herein falsely represented to the Chief Regional Manager, Southern Region R.K.Mohanty that Ramamoorthy of Sri Lakshmi Textiles Mills is prospective customer for the bank with good reputation and proposed his name to extend loan to him. Based on his information and recommendation loan was extended to Sri Lakshmi Textiles.

4. The petitioner herein had promised and assure R.K.Mohanty, the Chief Regional Manager that the audited account and Income tax returns of Thiru.Ramamoorthy of Sri Lakshmi Textiles Mills will be forwarded to him in the course and meanwhile loan can be advanced based on the un-audited balance sheet. Later on 31.07.2005 the petitioner had falsely informed the Regional Office that he has perused the audited balance sheet and relevant documents of Ramamoorthy, which is not factually correct. In fact, earlier when the petitioner was working as Branch Manager, Coimbatore Branch, recommended loan to Thiru.Ramamoorthy of M/s.Lakshmi Textiles Mills, but, when the proposal was received at Regional Office, it was rejected being devoid of merit. While so, the petitioner suppressing this fact had

recommended the name of Ramamoorthy for extending loan, thereby mislead the Branch Officers as well as Regional Office by furnishing false information.

5. Taking advantage of the situation that the Chief Regional Manager, United Bank of India, Chennai wanted to explore the possibility of increasing the business at Tiruppur branch, this petitioner had suggested and recommended the name of Ramamoorthy as prospective customer to R.K.Mohanty, Chief Regional Manager, who is a new incomer to the State and mislead him by furnishing false report.

6. Thus, from the statements of witnesses there is ample evidence to show that the petitioner deceitfully recommended a bad client to the bank and also passively supported the process of loan and sanction of loan which has later become non performing asset. The perusal of statement of the approver Mr.P.K.Roy Choudhury, Section 161 statement of Thiru.Chengalvaroyan and Section 161 statement of Thiru.R.K.Mohanty discloses enough materials to prosecute the petitioner along with the other accused. In fact, it is brought to the notice of this Court, the trial Court after considering the materials placed by the prosecution has already framed charge and posted the trial on 27.12.2017, therefore based on the prima – facie material are

all able to frame charge the trial Court has already framed charge and nothing survives with Revision Petition.

7. Further, in the light of the above facts, this Court is of the opinion that the plea raised by the petitioner herein to exonerate him from the criminal prosecution have no legs to stand.

8. In the result, CrI.O.P.No.27667 of 2017 and CrI.R.C.No.1556 of 2017 are dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

18.12.2017

speaking/non speaking
Index:Yes/No
Internet:Yes/No
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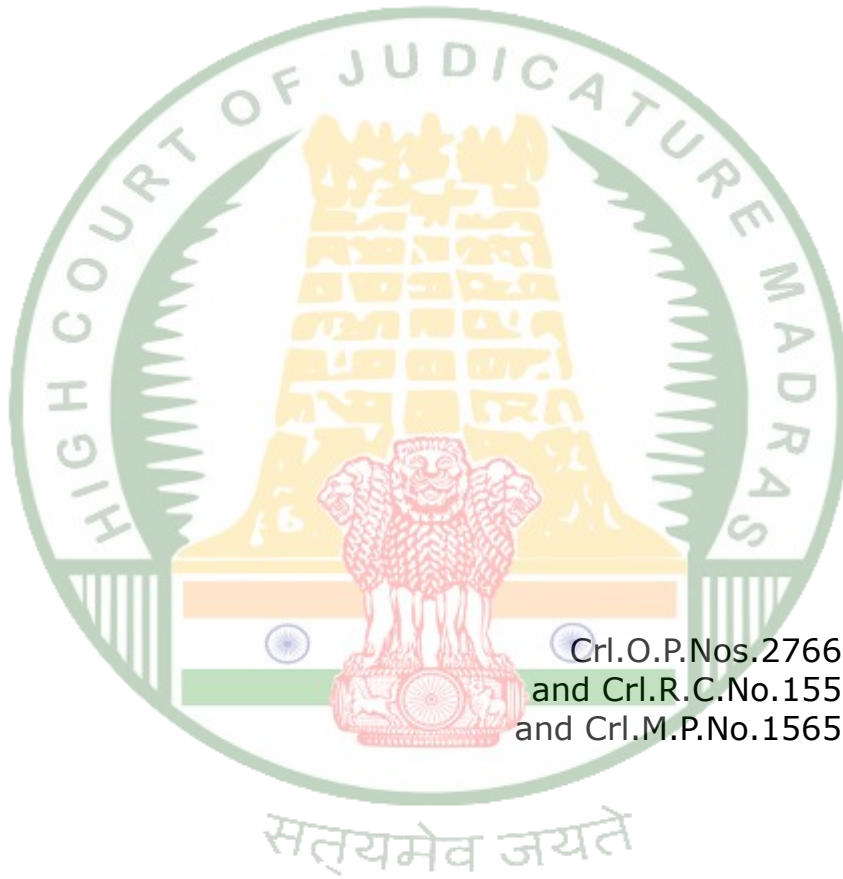
To

1.The Learned 2nd Additional District Judge
and Special Judge for CBI cases, Coimbatore.

2.The Special Public Prosecutor, (CBI),
High Court, Madras.

DR.G.JAYACHANDRAN.J,

rna



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and Crl.R.C.No.1556 of 2017
and Crl.M.P.No.15659 of 2017

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