

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2018

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Cr1.R.C.No.174 of 2018

S.Durga Prasad ... Petitioner/Accused-1

Vs.

State Rep. by the Inspector of Police,
CBI, ACB,
Chennai,
Cr.No.RC MA 1 2016 A 0002 of CBI ... Respondent/Complainant

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 of the Code of Criminal Procedure, to revise the dismissal order of the discharge petition filed before the XII Additional Special Court for CBI passed on 28.12.2017 in Cr1. M.P.No.2482 of 2017 in C.C.No.21 of 2017 on the file of the XIII Additional Special Court for CBI cases in Crime No.RCMA1 2016 A 002 on the file of the respondent.

For Petitioner : Mr.L.Infant Dinesh

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor

J U D G M E N T

This Criminal Revision Petition is filed to revise the dismissal order of the discharge petition filed by the petitioner/Accused-1, before the Trial Court.

2.According to the revision petitioner, final report was filed to frame charges against six accused and the petitioner is one among them. There is no material to show in what capacity the petitioner has demanded and accepted the illegal gratification from the Saveetha Group of Institutions. Without any basis or material to show that the petitioner herein has any authority to take action under Section 7 A of the Employment Provident Fund Act, the case has been foisted against him along with other accused, alleging the petitioner has

demanded a sum of Rs.50,00,000/- (Rupees fifty lakhs only) as bribe and later reduced to Rs.25,00,000/- (Rupees twenty five lakhs only) to forbearing from taking action under Employment Provident Fund Act for alleged violation found during surprise raid at Saveetha Group of Educational Institute and pursuant to the demand, he received Rs.14,50,000/- (Rupees fourteen lakhs fifty thousand only) from one Suddalaimuthu, representative of Saveetha Group.

3.It is contented by the learned Special Public Prosecutor that the charge sheet has been filed against the petitioner and other accused, wherein, it is stated by the approver that Shri. Durga Prasad, Accused-1, by abusing his official position as Regional Commissioner-1, Regional Office, Employment Provident Fund Organisation, had entered into a conspiracy with other accused and received the illegal gratification of Rs.15,00,000/-. On 17.01.2016, the bribe money was received by the petitioner/Accused-1 from one Suddalaimuthu, approver. There are three lockers maintained by Saveetha Group of Institutions in Karur Vysya Bank, Poonamallee High Road, Saveetha University Complex Branch, Chennai. The bribe money has been found its source from one of the locker of Karur Vysya Bank, which was opened by the management of Saveetha Group of Institutions. From that locker, at the instruction of A7 namely, Dr.Veeraiyan, A5 namely, Sengottaian, A6 namely, Saravanan and Dasarathan, Contractor had taken Rs.15,00,000/- from the locker and handed over the illegal gratification to Suddalaimuthu, who in turn gave Rs.14,50,000/- to the present petitioner, after retaining Rs.50,000/- with him as instructed by the petitioner.

4.The petitioner, who is the Regional Commissioner-1 at the Regional Office, Employment Provident Fund Organisation, Royapettha, Chennai had instructed the sub-ordinates to conduct inspection at Saveetha Group of Institutions, on 18.03.2014 and pursuant to the inspection, they have conducted a search and seized incriminating materials from Saveetha Group of Institutions.

5.Heard the learned counsel appearing for the petitioner as well as the learned Special Public Prosecutor. Perused the materials available on record.

6.The trial Court, after going through the materials placed by the prosecution by way of final report and the records produced during the time of investigation, recorded the statement of the approvers namely Suddalaimuthu and Suryanarayanan and since there are prima facie materials available to frame charges against the accused, the trial Court has proceeded to frame charges against the petitioner and the

other accused.

7.This Court on perusal of the records and the impugned order find no error in the order of dismissal. In the absence of reason to interfere with the well considered order passed by the trial Court, it is bound to be confirmed.

8.Accordingly, the Criminal Revision Petition is dismissed.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

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To

1. The XII Additional special court
for CBI Cases, Chennai.
 2. The Inspector of Police
CBI, ACB, Chennai.
 3. The Special Public Prosecutor
for CBI Cases
High Court, Madras.
- +1 CC to Mr.L. Infant Dinesh, Advocate sr 9664.

Cr1.R.C.No.174 of 2018

SP(21/02/2018)

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