

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.04.2018
CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C.No.457 of 2018

Doulat Jain

... Petitioner

Vs.

1 State rep.by

The Additional Superintendent of Police,
Central Bureau of Investigation,
Anti Corruption Branch,
Third Floor, Shastri Bhavan,
No.26, Haddows Road,
Chennai-600 006.

... Respondent

Prayer: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C. praying to call for the records pertaining to RC MA 1/2015 A 0037 pending on the file of the learned Principal Special Judge for CBI Cases, (VIII Additional City Civil Court, Chennai) and set aside the order of dismissal dated 31.07.2017 passed by the learned Principal Special Judge for CBI Cases in Crl.M.P.No.1469 of 2017 in RC MA 1/2015 A 0037 and direct the respondent to return the Godrej key No.454 pertaining to Locker No.456 at Indian Overseas Bank, Sowcarpet Branch, Chennai belonging to the petitioner that were seized from the petitioner.

For Petitioner : Mr. V.S.Venkatesh

For Respondent : Mr. K.Srinivasan
Special Public Prosecutor

ORDER

This Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C., seeking to hand over the key pertaining to the locker No.456, Indian Overseas Bank, Sowcarpet Branch, Chennai, which has been seized by CBI during investigation in the case registered in RC 45A/2009 CBI, New Delhi on 15.10.2010.

2 Heard the learned counsel for the petitioner and the learned Special Public Prosecutor and perused the records.

3 It appears that besides RC 45A/2009 the said seizure is also subject matter of the subsequent case registered in RC MA1/2015 A 0037 for the alleged offence under Section 13(1)(e) of the Prevention of Corruption Act.

4 It is not disputed by the respondent, that the petitioner herein is a third party and the respondent had already taken inventory of the locker. Except certain documents no other incriminating material found in the locker.

5 The learned counsel for the petitioner submits that the petitioner is restricting his prayer to the effect and that he may be permitted to operate the locker and has no objection, if the CBI retains the contents of the locker in its custody for the purpose of investigation.

6 In the light of the above submissions, the petition is allowed in the following terms:-

"(i) The Locker No.456 at the Indian Overseas Bank, Sowcarpet branch, Chennai, in the name of the petitioner herein shall be opened in the presence of petitioner, An officer of CBI and the representative of the Bank.

(ii) The contents of the locker, viz inventory shall be drawn. Documents or material which are required for investigation shall be retained by CBI and remaining documents/materials shall be returned to the petitioner herein along with the key of the said locker, enabling the petitioner to utilize the locker for his legal purpose."

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rpl

To

1 The Additional Superintendent of Police,
Central Bureau of Investigation,
Anti Corruption Branch,
Third Floor, Shastri Bhavan,
No.26, Haddows Road,
Chennai-600 006.

2 The Special Public Prosecutor for CBI Cases.
High Court, Madras.

+lcc to Mr.V.S.Venkatesh, Advocate, S.R.No.28305

Cr1.R.C.No.457 of 2018

GMI (CO)

RRK(14/05/2018)