

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2018

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.R.C.No.481 of 2018

M.Umapathy

... Petitioner

Vs.

The Inspector of Police,
Anti Corruption Branch,
Central Bureau of Investigation,
Sastri Bhavan, Chennai

... Respondent

Prayer: Criminal Revision case filed under Section 397 and 401 of Cr.P.C. praying to set aside the order of the XI Additional City Civil and Sessions Judge for CBI cases, Chennai in CrI.M.P.No.2903 of 2017 in Crime No.RC MA1 2013 A 0025 of CBI/ACB Chennai dated 31.01.2018 to return the petitioner property confiscated by the respondent police without imposing any condition.

For Petitioner : Mr.Karthick Srinath
for M/s. K.M.Vijayan Associates

For Respondent : Mr. K. Srinivasan
Special Public Prosecutor for CBI

ORDER

This Criminal Revision Petition is filed against the dismissal order of the Trial Court. The petition has been filed by the accused for return of property kept in the locker No.81 and to permit the petitioner to operate the locker. The Trial Court after considering the petition and objection raised by the CBI, has dismissed the petition.

2 According to the prosecution, the petitioner herein is an employee of Indian Overseas Bank and office bearers of Indian Overseas Bank Employees Association has entered into criminal conspiracy with other accused to cheat the Indian Overseas Bank and abused the official position of Indian Overseas Bank as public servants and with influence of the higher officials of Indian Overseas Bank in the recruitment of persons with lessor competency and lessor education. The scheme of conspiracy runs across the country and after sustainable investigation, the final report has been filed recently. The

properties found in the locker of the petitioner are the proceeds of time. Therefore, strong objection has been raised by the prosecution to return the property.

3 However, it is contended by the learned counsel for the petitioner that the locker has been seized in the year 2013 and for the past five years the petitioner is unable to make use of his property and the allegations that the properties were acquired ill gotten are false.

4 Considering the rival contention made by the learned counsel for the petitioner and the learned Special Public Prosecutor for CBI, this Court is of the view that it is not appropriate to return the property while there is no strong allegations against the petitioner that in the properties found in the locker were ill-gotten. However, it cannot be kept for the years together. Therefore, it is appropriate to direct the Trial Court to complete the trial within a period of one year since voluminous documents are involved in this case. If the Trial Court is not able to complete the trial within the period of one year and the reasons for the delay is not attributable to the petitioner/accused, then it is open to the petitioner to approach this Court at that juncture for seeking return of properties.

5 With these observations, this Criminal Revision Case is disposed of.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rpl

To

1. The XI Additional City Civil Judge
for CBI Cases, Chennai.
2. The Inspector of Police,
Anti Corruption Branch,
Central Bureau of Investigation,
Sastri Bhavan, Chennai

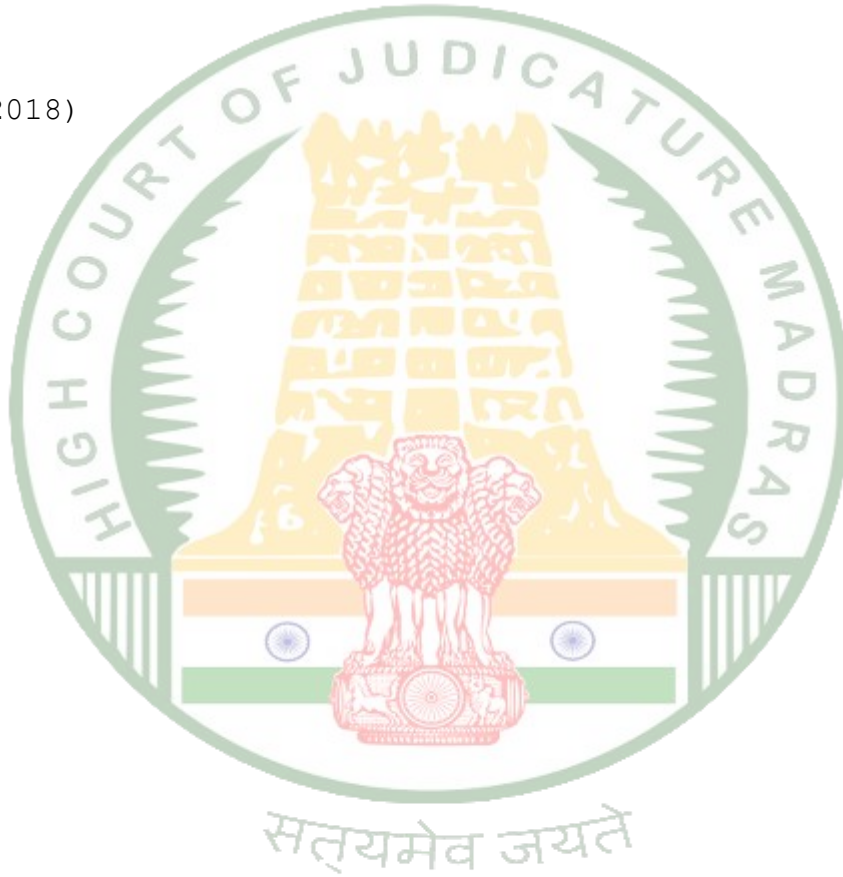
Copy to

1. The Section officer
Criminal Section, High Court, Madras 104.

+1 CC to Mr.K.M. Vijayan Associates sr 34567.

Cr1.R.C.No.481 of 2018

SP(18/06/2018)



WEB COPY