

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2018

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.926 of 2018

R.Sampath

.. Petitioner

Vs.

State rep. by
Inspector of Police
CBI/ACB/Chennai
(Crime No.RC.MA1.2017(A)0005)

.. Respondent

PRAYER:Criminal Revision Petition has been filed under Sections 397 r/w 401 Cr.P.C, to set aside the order passed in Crl.M.P.No.4003 of 2018 dated 25.07.2018 by the learned XIV Additional Judge for CBI Cases and direct the defreezing of accounts, return of properties as prayed for.

For Petitioner : Mr.Sundar Mohan

For Respondent : Mr.K.Srinivasan
Spl.P.P. (C.B.I.)

J U D G M E N T

This Criminal Revision Petition has been filed as against the dismissal of petition in respect of return of documents and defreezing of accounts.

2.It is the case of the petitioner that the petitioner was working as Deputy Director General, CPWD and retired on 31.12.2016. When the respondent had searched his official residence at Besant Nagar, took an inventory of articles available at the residence and prepared a inventory memo listing out the articles which was found at the petitioner residence. The respondent had also seized certain documents and articles enumerated in their search list dated 10.03.2017. The documents included Title deeds to the properties owned either by the petitioner or by his wife, insurance policies held in his name besides certain cheques, a mobile phone and the keys relating to the locker No.HH12 which was jointly held by the petitioner and his wife in Oriental Bank of Commerce, Adyar Branch.

3.In pursuant to the investigation, the respondent had filed a charge sheet against the petitioner for the alleged offences under Section 120B IPC, 7, 11, 12, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988.

4.The petitioner filed a petition under Section 451 of Cr.P.C. before the XIV Additional Judge (CBI Cases), Chennai, to defreeze eight Bank accounts and to permit operation of the locker HH12 held in Oriental Bank of Commerce, Adayar Branch, by the petitioner and his wife and also directing the respondent to return the documents seized under the search list dated 10.03.2017. The same was dismissed by the learned XIV Additional Judge (CBI Cases), Chennai on 25.07.2018, against which the present Criminal Revision has been filed.

5.The learned counsel for the petitioner would submit that out of nine freezed Bank accounts, one account has been released and the petitioner was not allowed to operate other 8 accounts. Accordingly, the petitioner has filed the present petition for defreezing the accounts and allow the petitioner to operate the same, as the same has nothing to do with the alleged offence in the charge sheet.

6.The learned Special Public Prosecutor would submit that the said accounts were defreezed for the purpose of investigation as the said eight accounts are necessary for conducting trial apart from the above. He would further submit that the another investigation is in preliminary stage. The charge sheet in this case has been filed and case is in the charge stage scrutiny of documents raised suspicion that the petitioner would have amassed properties disproportionate to his income and is being probed into to unearth the larger conspiracy. The seized documents in this case are required for the purpose of trial of this case and also for the investigation of other case, which will take more than ten weeks to complete the investigation.

7.In view of the above, this Court has not expressed any opinion with regard to upholding of the decision of the Trial Court to the limited extent till the completion of investigation. The petitioner is not entitled to any relief since another investigation is pending under Prevention of Corruption Act, 1988.

8.Accordingly, the Central Bureau of Investigation has to complete the investigation as soon as possible. Thereafter, liberty is granted to the petitioner to work out the remedy in the manner known to law.

9.This Criminal Revision Petition stands closed. Liberty is given to the petitioner to work out the remedy in the manner known to law if so advised.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

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To.

1. The Inspector of Police
CBI/ACB/Chennai (Cr. No.RC.MA1.2017 (A) 0005)

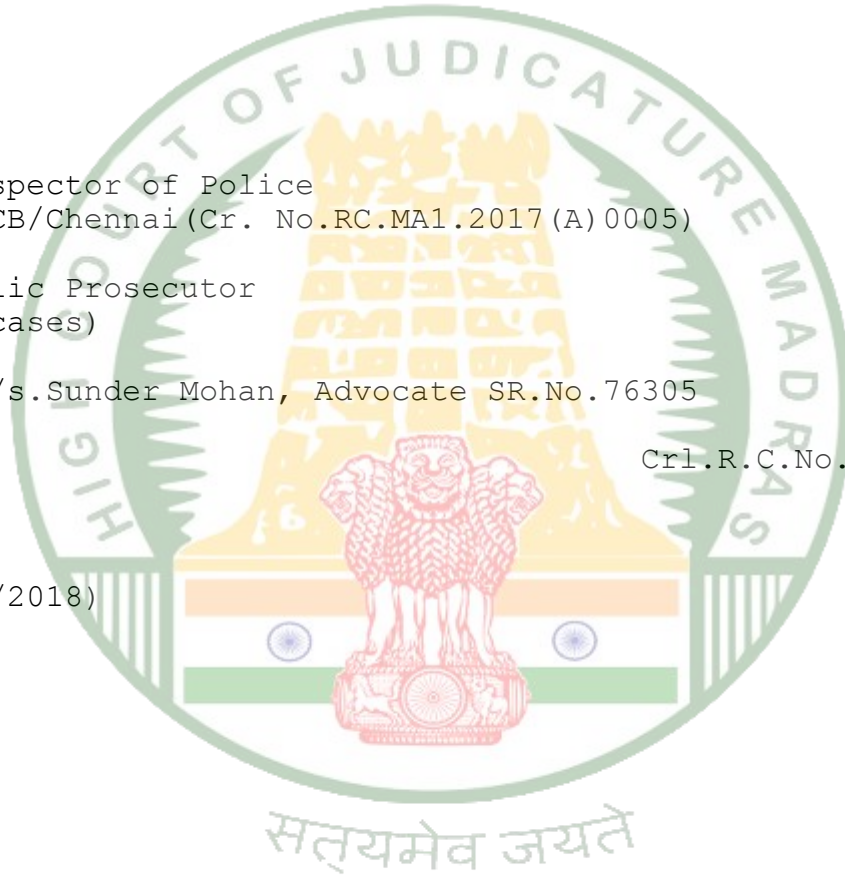
2.The Public Prosecutor
(CBI, cases)

+1cc to M/s.Sunder Mohan, Advocate SR.No.76305

Cr1.R.C.No.926 of 2018

VSN II (CO)

GMV (27/11/2018)



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