

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2018

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1168 of 2018

K.Ramalinga Jothi

.. Petitioner/A3

Vs.

The Inspector of Police,
Anti Corruption Branch,
Central Bureau of Investigation,
Shastri Bhavan, Chennai.
(Crime No.RC.MA1 2015 A 0030)

.. Respondent/
Complainant

PRAYER:The Criminal Revision Petition has been filed under Section 397 & 401 Cr.P.C., to set aside the order of the Hon'ble XIth Additional Special Sessions Court (Bank and Finance Institute for CBI Cases), Chennai in Crl.M.P.No.2904 of 2017 in Crime No.RC/MA/ 1/2015/A/0030 OF CBI/ACB Chennai dated 31.01.2018 and direct to return the petitioner original documents furnished a security.

For Petitioner : Mr.Karthik Srinath

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

J U D G M E N T

The petitioner / A3 has been implicated under the alleged offences under Sections 120 B r/w 420, 468, r/w 471 IPC and Sections 7, 9 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988.

2.The case of the prosecution is that the petitioner has committed an offence said to have been indulged in illegalities for absorption of temporary staff in Indian Overseas bank.

3.The respondent police on 11.08.2015 conducted a search at the residence of the petitioner, towards which, locker

key pertaining to Locker No.49 held by the petitioner with Indian Overseas Bank, Selaiyur Branch, Chennai was seized. It is further submitted that the respondent police also conducted a bank locker operation proceedings towards which the bank locker was opened with the help of then Manager of Branch and appraiser and inventory of jewels in the locker was taken by the respondent police and the keys of locker was taken by the respondent police to their custody.

4. Thereafter, the petitioner has filed a petition under Section 451 of Cr.P.C. before the XI Additional City Civil and Sessions Judge of CBI, Chennai, claiming the return of gold jewels for the purpose of his daughter's marriage. Considering the request made by the petitioner, the learned Judge allowed the petition on condition to give a Bank guarantee of Rs.25,00,000/- (Rupees Twenty Five Lakhs only), after analysing the documents there was an endorsement of respondent police due to which the bank failed to accept the documents to issue bank guarantee and hence the petitioner filed a Criminal Revision in CrI.R.C.No.749 of 2016. This Court while entertaining the Revision directed the petitioner by its order dated 25.02.2016 to produce valuation certificate issued by the authorised valuer with regard to the property and with an affidavit of undertaking to the satisfaction of XI Additional City Civil and Sessions Judge for CBI, Chennai.

5. Accordingly, the petitioner to show his bonafide, furnished five documents worth of Rs.50,00,000/- (Rupees Fifty Lakhs only) and the same was accepted and the locker key was returned to the petitioner. Thereafter, the said gold jewels were returned to the petitioner for performing the marriage of his daughter.

6. Thereafter, the petitioner due to his health issues, had once again filed a CrI.M.P.No.2904 of 2017 before the CBI Court seeking for return of two property documents as the remaining three property documents would fetch more than the value as required by this Court and also to the satisfaction of CBI Court, but the same was rejected. Aggrieved by the same, the petitioner has preferred the present Revision.

7. The petitioner has now admitted into the Apollo hospital for treatment. He needs medical and financial assistance to look for his health, unless this Revision is allowed and the selling of the property is permitted, his health condition would become worse. Hence, the petitioner seeks permission of this Court to file a Review Petition before the Trial Court to retain only the properties to the equivalent value of Rs.25 lakhs and other properties may be released in favour of the petitioner.

8.The learned Special Public Prosecutor (CBI cases) accedes to the restricted request of the petitioner in filing a review petition before the Trial Court to furnish security to the equivalent amount of Rs.25 lakhs and Trial Court may consider the review petition.

9.In view of the above, this court is inclined to give liberty to the petitioner to file a fresh petition and satisfy the Trial Court to retain only the properties to the equivalent amount of Rs.25 lakhs. The Trial Court, after satisfaction, has to pass appropriate orders in accordance with law. Accordingly, this Criminal Revision is disposed of.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To.

- 1.The Inspector of Police,
Anti Corruption Branch,
Central Bureau of Investigation,
Shastri Bhavan, Chennai
(Crime No.RC.MA1 2015 A 0030)
- 2.The Public Prosecutor
High Court of Madras
Chennai 600 104.
- 3.The XI Additional Special Sessions Court
(Bank and Finance Institute for CBI Cases)
Chennai.

+1 cc to M/s.K.M.Vijayan Associates, Advocate Sr.No.77752

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KJ(CO)
CSL/12.12.2018

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