



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2018

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI
Crl.R.C.No.1213 of 2018

Dr.A.K.Yadav

.. Petitioner

Vs.

State by
Inspector of Police
CBI / ACB / Chennai
(Ref:Crime No.RC MAI 2018 A 0008 dated 07.04.2018)

.. Respondent

PRAYER:The Criminal Revision Petition has been filed under Section 397 & 401 Cr.P.C., to set aside the order dated 09.08.2018 passed by the Learned Principal Special Judge for CBI Cases, VIII Additional City Civil Court, Chennai in Crl.M.P.No.4226 of 2018 in RCMA1 2018 A 0008, in order to de-freeze the savings account maintained by the petitioner in Central Bank of India, Montieth Road, Egmore, State Bank of India, Vaishali Nagar Branch, the locker maintained in State Bank of India, Coal Estate and to return the cash INR 2,60,000/- (Two Lakhs and Sixty Thousand Rupees only) seized by the respondent police.

For Petitioner : Mr.R.Ashwin
For Respondent : Mr.K.Srinivasan
Spl. Public Prosecutor(CBI Cases)

J U D G M E N T

The petitioner has filed this Criminal Revision Petition under Section 397 & 401 Cr.P.C., to set aside the order dated 09.08.2018 passed by the Learned Principal Special Judge for CBI Cases, VIII Additional City Civil Court, Chennai in Crl.M.P.No.4226 of 2018 in RCMA1 2018 A 0008, in order to de-freeze the savings account maintained by the petitioner in Central Bank of India, Montieth Road, Egmore, State Bank of India, Vaishali Nagar Branch, the locker maintained in State Bank of India, Coal Estate and to return the cash INR 2,60,000/- (Two Lakhs and Sixty Thousand Rupees only) seized by the respondent police.



2.The petitioner / A1 was implicated for the alleged offence under Section 120B IPC r/w Sec. 7, 8 and 12 of the Prevention of Corruption Act, 1988.

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3.After the registration of F.I.R., the respondent has carried out the investigation and seized several documents which are involved in the above said offence, including his salary account. Thereafter, during the pendency of the investigation, the petitioner has filed a petition under Section 102 r/w 451 and 457 Cr.P.C. before the Principal Special Judge for CBI Cases, VIII Additional City Civil Court, Chennai, for return of the properties seized.

4.The learned counsel for the petitioner would submit that though the petitioner has filed a petition under Section 451 Cr.P.C., and the counter of the respondent has also been filed, the investigation is still in the preliminary stage. The seized properties are not yet released in favour of the petitioner among one of which is his salary account, without which there is no other means for his livelihood. The said petition was dismissed by the Principal Special Judge for CBI Cases, VIII Additional City Civil Court, Chennai on 09.08.2018. Aggrieved by the said impugned order, the present revision has been preferred by the petitioner.

5.However, the petitioner has now restricted his prayer to grant him only liberty to renew his application and to complete the investigation as soon as possible.

6.The learned Special Public Prosecutor (CBI Cases) would submit that they are ready to release eight documents out of nine

documents that has been stated in paragraph 12 of the counter and other seized properties are required for the purpose of investigation.

7.The learned Public Prosecutor would further submit that the investigation will be completed within a period of six months. Thereafter, the petitioner may be permitted to file a fresh application before the Trial court. If such application is filed, the Trial Court shall pass appropriate orders in accordance with law.

8.Considering the request made by the petitioner, I am inclined to direct the respondent to complete the investigation within a period of six months from the date of receipt of a copy of this order. Thereafter, the



petitioner is at liberty to file appropriate petition before the Trial Court.

9. Accordingly, this Criminal Revision Petition is disposed of.

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Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To.

1. Inspector of Police
CBI / ACB / Chennai
(Ref:Crime No.RC MAI 2018 A 0008 dated 07.04.2018)

2.the Principal special Judge for CBI cases,
VIII Additional , City Civil Court, Chennai.

3.The Public Prosecutor (CBI)
High Court of Madras
Chennai 600 104.

+2ccs to Mr.R.Ashwin, Advocate SR.No. 78983

Crl.R.C.No.1213 of 2018

ASK(11/12/2018)