

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2018

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1354 of 2018

Mrs. Reha Banu

.. Petitioner/Accused -9

Vs.

The state Rep by
Deputy Superintendent of Police,
Central Bureau of Investigation,
Anti Corruption Bureau, Chennai.

.. Respondent/Complainant

PRAYER: This Criminal Revision petition is filed Under Section 397 and 401 of Cr.P.C to set aside the order dated 27.63.2018 made in Crl.M.P.No.3110 of 2018 in R.C.No.37(A) of 2015 passed by the learned Principal Special Judge of CBI Court Judge, VIII Additional city Civil Court, Chennai.

For Petitioner : Mr.P. Saranathi

For Respondent : Mr.K. Srinivasan
Spl.P.P.(CBI Cases)

O R D E R

The Criminal Revision Petition has been filed by the petitioner under Section 397 and 401 of Cr.P.C to set aside the order made in Crl.M.P.No.3110 of 2018 in R.C.No.37(A) of 2015 passed by the learned Principal Special Judge of CBI Court Judge, VIII Additional City Civil Court, Chennai.

2.The Trial Court has dismissed the petition filed by the petitioner under Section 451 Cr.P.C. to release the Key of the Locker bearing No.1163 in favour of the petitioner and to direct the CBI to hand over the key to the petitioner.

3.The case of the petitioner is that the petitioner is A9 in the criminal case registered by the respondent /CBI. The petitioner is the wife of late Mr.Sadhiq Basha and is the former director of M/s Green Earth Promoters(P) Ltd., All the movable and immovable properties were seized by the CBI for the purpose of investigation, due to which the petitioner had financially suffered on a day to day basis. Even though the case was registered in the year 2015, however, till date the investigation has not been completed. Accordingly, the petitioner filed a petition under Section 451 of Cr.P.C. before the Trial Court for return of the property. The Trial Court after elaborate trial has dismissed the said petition filed by

the petitioner. Aggrieved by the same, the present Criminal Revision Petition has been filed.

4.The learned counsel for the petitioner would submit that the petitioner is ready to comply with any condition abide by this Court like furnishing bank guarantee to the value of seized articles, as the petitioner is in a deplorable condition, no prejudice would be caused to the investigating officer if the seized properties are released in favour of the petitioner. Accordingly prays for allowing this Revision.

5.The learned Special Public Prosecutor would submit on instructions that the investigation is still pending, since the matter involves disproportionate assets and the same has been initiated against the former Minister Mr.A.Raja. If the property is released in favour of the petitioner and the properties are handed over, the case proceedings would be affected. The learned Public Prosecutor would seek further time of one year to complete the investigation. Immediately after completing the investigation, the petitioner shall approach the appropriate Court by filing a fresh application to release the seized properties in favour of the petitioner.

6.Heard the learned counsel appearing for the petitioner as well as the learned Special Public Prosecutor.

7.Considering the facts and circumstance of the case and the fact remains that the investigation is still pending, if the property is released in favour of the petitioner it will create several complications. Hence, this Court is not inclined to interfere with the order dated 27.06.2018 in Crl.M.P.No.3110 of 2018 in R.C.No.37(A) of 2015 passed by the learned Principal Special Judge of CBI Court Judge, VIII Additional City Civil Court, Chennai. Thus, the CBI is hereby directed to complete the investigation within a period of one year. Thereafter, the petitioner is at liberty to file appropriate petition before the Trial Court in accordance with law.

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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

smn/kas

To

1.The Principal Special Judge for CBI Cases,
VIII Additional City Civil Court,
Chennai.

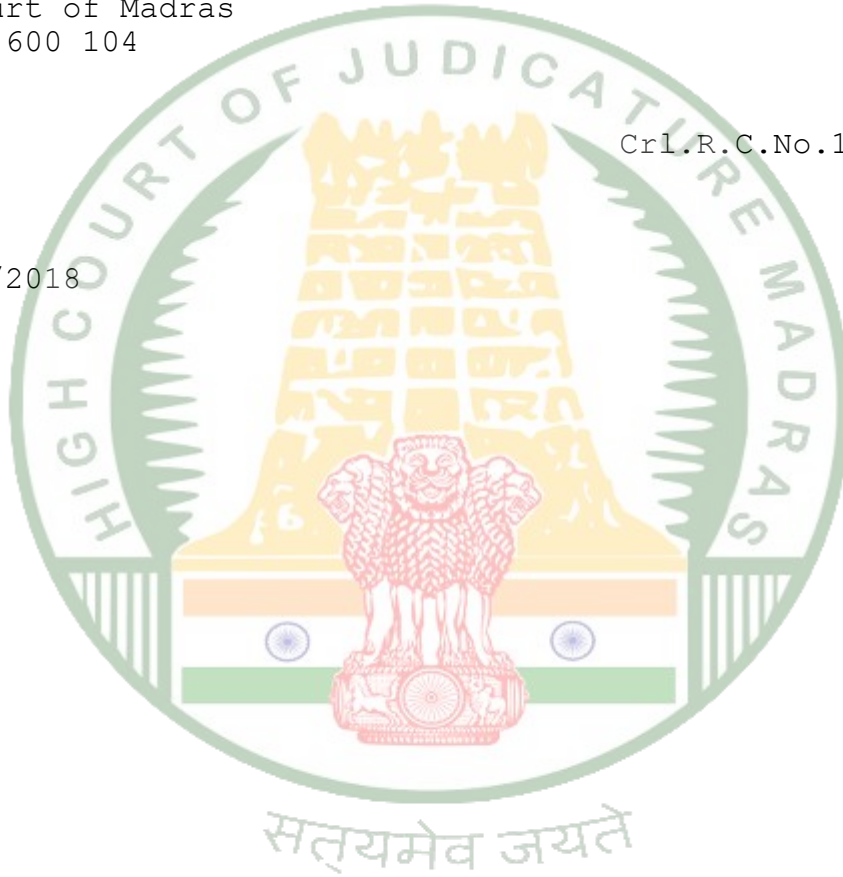
2.Deputy Superintendent of Police,
Central Bureau of Investigation,
Anti Corruption Bureau, Chennai.

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

CrI.R.C.No.1354 of 2018

KJ(CO)

rrs 21/12/2018



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