



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Fourteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP (MD) No.1108 of 2018

IN

CRL A (MD) No.325 of 2014

CENTRAL BOARD OF TRUSTEES
EMPLOYEES PROVIDENT FUND ORGANISATION,
REP.THROUGH ASSISTANT PROVIDENT FUND COMMISSIONER,
REGIONAL OFFICE, BHAVISHYA NIDHI BHAVAN,
NGO "B" COLONY, PERUMALPURAM (PO)
TIRUNELVELI-627 007.

... PETITIONER/DEFACTO
COMPLAINANT

Vs

1 STATE REPRESENTED THROUGH,
THE DEPUTY SUPERINTENDENT OF POLICE,
CBI/ACB CHENNAI.

... RESPONDENT/COMPLAINANT

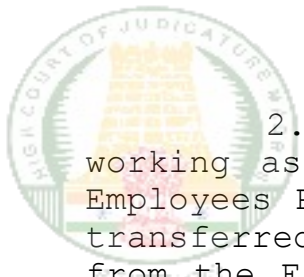
2 O.PARAMAIAH

... RESPONDENT/ACCUSED

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to return the following document marked as document no D21 to D30 in C.C.No. 15/2013 on the file of II additional District Court for CBI Court, Madurai in Cr. Appeal No. 325/2014

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.K.MURALISANKAR, Advocate for the petitioner and of M/S.N.NAGENDRAN, Special Public Prosecutor for CBI cases for R1, and M/S.S.RAMASAMY, learned counsel for R2, the court made the following order:-

This petition for return of documents has been filed by the Assistant Provident Fund Commissioner, Tirunelveli. On the complaint lodged by the office of the Provident Fund Commissioner, the CBI registered a case in Crime No.RC MA1/2012/A 0046 and after completing the investigation, filed a charge sheet in C.C.No.15 of 2013 before the learned Second Additional District Judge for CBI Cases, Madurai, against O.Paramaiah.



2. It is the case of the prosecution that O.Paramaiah was working as Senior Social Security Assistant in the office of the Employees Provident Fund Organization at Tirunelveli and that he had transferred with dishonest intention a total sum of Rs.22,83,997/- from the EPFO account to pension accounts of 10 EPF pensioners and two beneficiaries whose names have been given in the charge sheet, about which, it may not be necessary to recapitulate. Suffice it to say that O.Paramaiah was convicted in C.C.No.15 of 2013 on 27.11.2014 for the offences under Sections 408, 420, 477A of the Indian Penal Code and Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988, challenging which, he has filed the present Criminal Appeal.

3. At the time of investigation, the CBI had collected the original files from the office of the Provident Fund Commissioner and certain documents in those files have been marked as Exhibits. On account of those original files being in the custody of this Court, the office of the Provident Fund Commissioner is not able to disburse pensions to various pensioners and beneficiaries. Therefore, the present petition has been filed for return of those documents, so that, pensions and other benefits for the poor beneficiaries can be disbursed.

4. Heard Mr.K.Muralisankar, learned counsel for the petitioner/EPF Organization, Mr.N.Nagendran, learned Special Public Prosecutor for CBI Cases appearing for the first respondent and Mr.S.Ramasamy, learned counsel for the second respondent/accused/O.Paramaiah.

5. Mr.N.Nagendran, learned Special Public Prosecutor for CBI Cases and Mr.S.Ramasamy, learned counsel for the accused fairly submitted that they have no objection in allowing this petition, inasmuch as the typed-set of papers have already been prepared and they have been furnished to both sides and the case can be heard by this Court based on the typed-set of papers and if at all any such document is required, the same can be summoned from the office of the Provident Fund Commissioner for perusal by this Court.

6. In the result, the Miscellaneous Petition is ordered and the Assistant Registrar (Criminal side) is directed to hand over the documents described in the Schedule to the present petition, to the Assistant Provident Fund Commissioner, Tirunelveli, on proper identification. The Office of the Provident Fund Commissioner is directed to preserve those files and as and when the same is required by this Court, they shall produce the same for perusal of this Court whenever called for.

sd/-

14/02/2018

/ TRUE COPY /



TO

1 THE SECOND ADDITIONAL DISTRICT JUDGE FOR CBI CASES,
MADURAI.

2 THE DEPUTY SUPERINTENDENT OF POLICE, CBI/ACB CHENNAI.

3 THE SPECIAL PUBLIC PROSECUTOR FOR CBI CASES.

4 EMPLOYEES PROVIDENT FUND ORGANIZATION,
REGIONAL OFFICE, BHAVISHYA NIDHI BHAVAN,
NGO"B" COLONY, PERUMALPURAM (PO),
TIRUNELVELI-627 007.

COPY TO : THE ASSISTANT REGISTRAR, (CRIMINAL SIDE),
MADURAI BENCH OF MADRAS HIGH COURT.

COPY TO : M/S.S.RAMASAMY, No.84, LAW CHAMBERS,
HIGH COURT BUILDINGS, MADURAI-625 023.

+1. C.C. to M/S.K.MURALISANKAR Advocate SR.No.48759

ORDER

IN

CRL MP (MD) No.1108 of 2018

IN

CRL A (MD) No.325 of 2014

Date :14/02/2018

PK/PM-PN/SAR-3/21.02.2018 : 3P/8C