



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.09.2018

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

CrI.O.P(MD)No.16054 of 2018

and

CrI.M.P(MD) Nos.7112 and 7113 of 2018

S. Shanthi

..... Petitioner

Vs.

State through

The Additional Superintendent of Police,

SPE/CBI/ACB/Chennai

(in RC.No.29(A)/2011

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to call for the entire records pertaining to the case in C.C.No.1 of 2015 on the file of the learned II Additional Sessions Judge (Special Judge for CBI cases, Madurai) and quash the same as against the petitioner.

For Petitioner

: Mr.R.Anand

For Respondent

: Mr.N.Nagendran

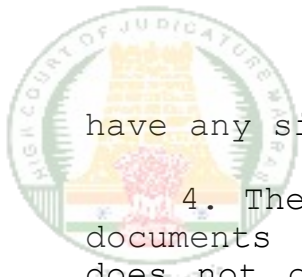
Special Public Prosecutor for CBI cases

ORDER

This Criminal Original Petition has been filed to call for the entire records pertaining to the case in C.C.No.1 of 2015 on the file of the learned II Additional Sessions Judge (Special Judge for CBI cases, Madurai) and quash the same as against the petitioner.

2. By consent of both parties, this Criminal Original petition is taken up for final disposal at the stage of admission itself.

3. The petitioner is the second accused. Her husband A1 is a public servant. The case of the prosecution is that between the check period from 01.04.1997 to 22.07.2011 the public servant (A1) and his family members have acquired the property worth around Rs.36 crores which is 240% disproportionate to the known source of income. The final report regarding asset at the beginning of the check period i.e., 01.04.1997 indicates that the public servant and his family members had purchased the property worth around 1,76,00,000/-. The income of the public servant during the check period is assessed around Rs. 1 crore 51 lakhs and expenditure around 62 lakhs. The case of the prosecution is that nearly 136 properties were purchased in the name of this accused, who does not



have any significant source of income for herself.

4. The learned counsel for the petitioner would submit that the documents relied on by the prosecution namely bank accounts which does not cover the entire check period and truncated. It is the contention of the petitioner that the statement of A2 has not been called for to explain the source of income for purchasing the properties which are in her name. The property which stands in the name of A2 had not been acquired through source of A1.

5. The learned Special Public Prosecutor would submit that only after thorough investigation the prosecution has laid final report against the accused persons. A1 is the higher official in the Income Tax Department. A1 has acquired properties through illegal source. First Information Report was registered on 15.07.2017 and after giving opportunity to A1 to explain the source of income and not being satisfied with that, Final report has been filed. There is no reason to quash the Final Report .

6. This Court having gone through the materials relied upon by the prosecution, finds that this is not a case fit to quash, since materials are available against the accused persons to frame charge and prosecute the case against the petitioner. Minor lapse pointed out by the learned counsel for the petitioner does not carry any merit . In fact, opportunity given to the A1, to explain the source of income and the property purchased in the name of his wife. The explanations given by A1 not satisfactory and the court below has taken note of the explanations, which was given at the time of filing final report.

7. Under such circumstances, this Court find no merits to entertain this petition. Hence the Criminal Original Petition is dismissed. The order passed by this Court in this petition will not stand in the way of the trial court to decide the case after examination of witnesses.

8. At this juncture, the learned counsel for the petitioner would submit that since the petitioner herein being a lady, her personal appearance may be dispensed with. In this regard it is open to the trial court to consider any application to be filed by the petitioner herein for dispensing her appearance before the trial court. If any application being filed under Section 205 of Cr.P.C., the trial Court may entertain and pass appropriate orders. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/



To

1. The II Additional Sessions Judge,
(Special Judge for CBI cases, Madurai
2. The Additional Superintendent of Police,
SPE/CBI/ACB/Chennai
3. The Special Public Prosecutor, for CBI Cases,
Madurai Bench of Madras High Court,
Madurai.

AAV

DS RP SAR-2 ;07.09.2018; 3P/4C

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03.09.2018