

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.RC.No.284 of 2019
Crl.MP.Nos.3186 and 3187 of 2019

S.Junaith

.. Petitioner/A1

Vs

State represented by
The Inspector of Police
CBI/ACB/Chennai

.. Respondent/Complainant

Prayer:-

This Criminal Revision Petition is filed, under Sections 397 and 401 of Cr.PC, to set aside the order of dismissal, made in Crl.MP.No.637 of 2016 in CC.No.26 of 2015, dated 08.01.2019, by the XI Additional Sessions and Special Judge for CBI Cases, Chennai, dismissing the petition for discharge filed under Section 239 of Cr.PC, filed by the Petitioner.

For Appellant : Mr.R.John Sathyan

For Respondent : Mr.K.Srinivasan, SPP-CBI

ORDER

1.This Criminal Revision Petition has been filed, seeking to set aside the order of dismissal, made in Crl.MP.No.637 of 2016 in CC.No.26 of 2015, dated 08.01.2019, by the XI Additional Sessions and Special Judge for CBI Cases, Chennai, dismissing the petition for discharge filed under Section 239 of Cr.PC, filed by the Petitioner.

2.The facts leading to filing of this Criminal Revision Petition are as follows:-

- a) On the basis of the complaint made by S.Badrunnissa Begum, the defacto complainant, against the Petitioner/A1, to the Central Crime Branch, Chennai, a case was originally registered in Crime No.500 of 2010 and later, pursuant to the order, dated 7.8.2014, passed by this Court in Crl.OP.No.14490 of 2013, directing the Respondent to take

over the investigation, the above case was registered as RC.MA1/2014/A/ 0043.

- b) The Petitioner, the defacto complainant and four others are the partners of M/s. Annai Fabricators, by virtue of a partnership deed, dated 31.05.1995. A2, N.Vasudevan was working as the Assistant Manager in the Syndicate Bank, Anna Salai Branch, till June 2010. A3, T.K. Shanmugasundaram was working as the Manager (Scale II) in the Syndicate Bank, Anna Salai Branch, till December, 2009. The Petitioner/A1 was authorised to run the Firm, by two registered Power of Attorneys in the year 2004, out of which, one was registered by the family of S. Badrunissa Begum in Doc.No.776 of 2004, on the file of SRO, Periamet and another was made by the family of the Petitioner/A1, in Doc.No.777 of 2004, on the file of SRO, Periamet. A compensation amount of Rs.30,43,883/-, by way of a cheque no.848508, dated 14.11.2005, was received from the Highways Department, for acquisition of the property belonged to the Firm and the said cheque was deposited in the account of the Firm in the Syndicate Bank, Anna Salai.
- c) The Petitioner/A1 had issued three cheques nos.393602, 393604 and 393603, each for a sum of Rs.5,07,314/- being the 1/6th share of compensation, to S. Badrunissa Begum, J. Yasmin Zuberia and S. Ramzan Beevi. S. Badrunissa Begum had issued a letter to the Syndicate Bank for freezing of the account and disallowing the Petitioner/A1 to operate the account any further, since the Petitioner/A1 did not maintain the account properly. A2 changed account of the Firm to 'No debits for A/c.60021010002268, on 24.11.2005. Though the account was inoperative, credits were made to the account, but without making any debits. As on 25.06.2009, the balance available in the account was Rs.23,78,975.58/-.
- d) In July 2009, the Petitioner/A1 entered into a criminal conspiracy with A2 and A3, who are public servants, to cheat the Syndicate Bank, Anna Salai Branch, Chennai. Pursuant to such criminal conspiracy, A2 fraudulently induced S.N.P. Shahabudeen, husband of S. Badrunissa Begum to make a request to the amount to an fixed deposit account to earn interest. S. Badrunissa Begum had made a request on 14.07.2009 to deposit the amount into a fixed deposit. A2 had made an endorsement in the said letter that "S. Junaith only is authorised to operate the account", knowing fully well that the authority to operate the account had already been revoked by the Partners of the firm. The then Assistant General Manager had informed that the request of S. Badrunissa Begum cannot be granted since all the six partners did not make such request and by letter dated 24.11.2005, she had stated that all the six Partners will inform the Bank, regarding further operation of the account.

- e) In furtherance of the criminal conspiracy, the Petitioner/A1, knowing fully well that he was not the authorised person of the Firm, had submitted a letter dated, 28.07.2010, as the authorised person of the Firm and obtained a statement of account from 1.1.2004 to 31.07.2010. A2 and A3, knowing fully well that there was no official order for defreezing the account of the Firm, by abusing their position as a public servant, defreezed the account and changed the status of the account of the Firm, from "account dormant-no debits to no debits status and then from no debits status to regular status", so as to facilitate the Petitioner/A1 to fraudulently withdraw money from the account of the Firm. On 10.08.2010, the Petitioner/A transferred a sum of Rs.16,96,632/-, by presenting a cheque no.393624 to his account maintained in the Karur Vysya Bank, Whites Road Branch, Chennai and withdrew a sum of Rs.15,40,000/- from his account at Karur Vysya Bank, Whites Road Branch, Chennai.
- f) Since the above acts of the Petitioner/A1, A2 and A3 constitute the offences punishable under Section 119, 120B read with 420 of IPC and under Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988, they were charge sheeted for the offences punishable under the said Sections.
- g) The Trial Court had taken cognizance of the case in CC.No.26 of 2015 and issued process to the Petitioner/A1. Before the Trial Court, the Petitioner/A1 had filed CrI.MP.No.637 of 2016 under Section 239 of Cr.PC, in CC.No.26 of 2015, seeking discharge. The Trial Court had dismissed the said discharge petition, by the impugned order, as against which, this Criminal Revision Case has been filed by the Petitioner/A1.

3.This court heard the learned counsel on either side.

4.The learned counsel for the Petitioner would submit that the Petitioner was one of the partners of the Firm, viz. M/s.Annai Fabricators and the de-facto complainant was also one of the Partners and that in the year 2005, the land belonging to the Firm was obtained by the High Ways Department and a compensation amount for a sum of Rs.30,43,883/- was received by the Firm and the said amount was deposited in the account of the Firm maintained at Syndicate Bank, Mount Road Branch, Chennai and that subsequently, the accused company issued three cheques for an amount of Rs.5,07,314/- each to three partners viz., Smt.Badrunnisa Begum, Smt.Yasmin Zuberia and Smt.S.Ramzan Beevi, being the 1/6th share of compensation received by the Firm, from the Highways Department and obtained original receipts, dated 14.11.2005. He would further submit that due to a dispute between the Partners, the de-facto complainant had

issued a letter of request, based on which the account was frozen on 24.11.2005.

5. The learned counsel for the Petitioner/A1 would further submit that since the amount was lying in the current account without fetching any interest, the husband of the de-facto complainant had given a letter of request on 14.07.2009, seeking to convert the amounts lying in the current account to fixed deposit and thereby, it had been converted into fixed deposit account and thereafter it was deposited to a regular account on 01.10.2009. He would submit that on 28.07.2010, the Petitioner had requested for copy of the statement of accounts and the Petitioner was issued with the statement of accounts and an amount of Rs.250/- was debited on 05.08.2010 from his account and finding that the account was operational, the Petitioner had issued a cheque to withdraw an amount of Rs.16,96,632/- from his account on 09.08.2010, which being a share belonging to him in the Partnership Firm and that the balance amount which was entitled for the de-facto complainant was left intact in the account and thereby, no wrongful gain has been obtained by the Petitioner and no wrongful loss has been suffered by the company and thereby, no ingredients of the offence under Section 420 of IPC had been made out against the accused.
6. The learned counsel for the Petitioner/A1 would further submit that if at all the Officers of the Bank can only be made liable for dereliction of duty and that there was no criminal intention on the part of the Petitioner/A1 and that in fact, even as per the prosecution case, the amount had been transferred to the regular account on 01.10.2009 and that the Petitioner came to know about the transfer of the amount to the regular account only on 28.07.2010 and that after receiving the statement, the Petitioner had withdrawn the amount only on 09.08.2010, thereby suggesting that the Petitioner had no criminal intention to cheat the accused and that further the Petitioner had only withdrawn the amount which he is legally entitled to and not the amounts belonging to the de-facto complainant.
7. The learned counsel appearing for the Petitioner would submit that taking into consideration the police report and the documents sent along with it under Section 173 of CrI.P.C, no case for offence under Section 420 of IPC is made out against the Petitioner/A1 and when that being so, the Petitioner or the Officers of the Bank cannot be charged for the offences alleged and that when there are no legal grounds for framing charges, against the accused, the Trial Court ought to have discharged the accused, stating that the charge against the accused was groundless.
8. Per contra, the learned Special Public Prosecutor for the

respondent would submit that it is a case where the Petitioner/accused, knowing very well that the account was freezed by the Bank, entering into a criminal conspiracy with the Staff of the Bank, had fiduciously made entries, changed the status of the account from "account dormant- no debits to no debits status and then from no debits status to regular status" account on 01.10.2009 and thereby, facilitating himself, to withdraw the amount belonging to the Partnership Firm illegally. He would further submit that when the dispute is pending between the partners, the Petitioner cannot demarcate his share and withdraw it and that there are sufficient materials, against the Petitioner/A1 to prove that he entered in to the criminal conspiracy with A2 and A3, Bank employees and by criminal misconduct, facilitated for withdrawal of the amount. He would submit that the Trial Judge, finding sufficient materials by way of documents viz., Exs.D3, D4, D7, D10, D11, D15, D16, D18, D19, D23, D24, D29 and the statements of LWs.2, 3, 4, 6, 7, 8, 9, 10 and 12, has found that there are materials to frame charges against the accused.

9.The learned Special Public Prosecutor would rely on the decision of the Hon'ble Supreme Court reported in 2012 9 SCC 460 (Amit Kapoor Vs. Ramesh Chander) and submit that when the Court finds that there are sufficient materials for framing of charges against the accused, it can do so. Further, he would submit that the petition for discharge was dismissed on 08.01.2019 and the charges were framed on 11.02.2019 and the present criminal revision petition has been filed before this Court only on 20.02.2019, after the framing of charges thereby, the petition itself is not maintainable.

10.The learned Special Public Prosecutor would further submit that Ex.D14 is the letter dated, 24.11.2005, based on which the account was frozen. Further, Ex.D46 is the Deed of Revocation, dated 1.302.2008, thereby, the Power of Attorney granted to the Petitioner had been revoked. Despite the revocation of Power of Attorney, the Petitioner had with the help of A2 and A3, withdrawn the amount and he would refer to the statements of LWs.8, 9 and 10 and specifically to the relevant paragraphs of the statements of LW.9 and 10, which read as under:-

L.W.8: K.Mathanasekaran: As per normal practice, the Branch Manager will issue an order on the letter itself for effecting the freezing to the current account dealing officer and after modification of the account by the dealing officer it has to be authorised by another officer.

On being asked I state that normally applications regarding freezing of account by the partners of the

account it should be placed along with the account opening form and to be maintained by the current account incharge in this case. The letter dated 24.11.2005 of Smt.Badrunissa Begum is not traceable from the Bank.

Now I am shown the letter Ref.No.2302/MOUNTRD/6002 dated 19.07.2007 addressed to Shri Junaith stating that the account of M/s.Annai Fabricators were frozen on the request of Smt.Badrunissa begum vide her letter dated 24.11.2005. I identify the signature of then AGM Shri Johan Sundaraj.

L.W.9: R.Ramalingam:- Now I am shown the copy of the letter dated 24.11.2005 of Smt.Badrunissa Begum addressed to the Branch Manager and I state that I have received the said letter at 3.p.m., on 24.11.2005 and I identify my handwriting and signature in the said letter. On being asked I state that Shri.S.N.P.Shahabudeen, husband of Smt.Badrunissa Begum came to me and gave this letter for debit freezing of the A/c No.600 210 1000 2268 of M/s.Annai Fabricators and due to dispute among the partners of M/s.Annai Fabricators and that the partners were not satisfied with Shri. Junaith the authorised signatory and that all the six partners will inform about further operations in the account. Based on the letter I issued instructions to debit freeze the account and gave to Shri.Vasudevan, who is incharge of current and SB accounts. On being asked I state that the original letter was kept in a separate folder with caption Annai Fabricators and kept in the safe custody in the safe room.

L.W.10: G.Arun Prasad:- Now I am shown the report issued by Corporate Office, DAT dated 24.06.2015 and I identified my signature. I also state that login ID NVT 6002 is issued to Shri N.Vaseudevan having employee code 344463 and login ID TKS 6002 is issued to Shri T.K.Shanmuga Sundaram having employee code 371883. Login ID NS 6002 is issued to Shri N.Shankar iyer having employee code 342430, login ID KAT 6002 issued to Smt.K.Alamely and login ID SSS 6002 was issued to Smt.Subalakshmi Srinivasan with the employee code 256162.

As per the report DIT the status for A/c No.60021010002268 was changed from "regular to no debits" was made on 24.11.2005 by Smt.K.Alamely having login ID KAT 6002 as teller as well as using

her ID KAS 6002 as supervisor.

As per the report, the accounts status of A/c No.60021010002268 was changed on 01.10.2009 from "account dormant-no debits to no debits" and then "no debits to regular" by Shri N.Vasudevan using ID NVT 6002 as letter and Shri T.K.Shanmuga Sundaram authorised to change using ID TKS 6002 as supervisor."

- 11.The learned Special Public Prosecutor would further submit that the Petitioner knowing well that the accounts having been frozen conspired with the other accused who are the bank employees manipulated the status of the account and withdrew the amount which the Petitioner was not entitled to. The offences are serious in nature whereby the public servants have also concealed the design to commit the offence which was their duty to prevent.
- 12.Further, the learned Special Public Prosecutor would submit that at the stage of discharge petition, the Trial Court cannot conduct a roving enquiry or a mini trial and the Trial Court had looked into whether there are sufficient materials for framing of charges against the accused and taking into consideration the available materials, the Trial Court had dismissed the petition for discharge.
- 13.I have considered the rival submissions of the learned counsel on either side and have gone through the impugned order passed by the Trial Court.
- 14.Admittedly, the petition for discharge was dismissed on 08.01.2019 and the charges were framed on 11.02.2019 and the present criminal revision petition has been filed before this Court only on 20.02.2019, after framing of charges.
- 15.It is trite that at the stage of discharge petition, the Trial Court cannot conduct a roving enquiry or is not permitted to conduct a mini trial and the Trial Court has to look into whether there are sufficient materials for framing of charges against the accused. In the case on hand, while dismissing the discharge petition, the Trial Court had found that there are sufficient materials to frame charges against the Petitioner/A1 for the alleged offences. It was finally held by the court below that the relief seeking to discharge as claimed by the Petitioner can be decided only after a full fledged trial and accordingly, dismissed the discharge petition. Based on the materials available, the Trial Court has dismissed the petitions for discharge.
- 16.Though there are no limits of the powers of the Court under Section 482 of Cr.PC, but more the power, the more due care and caution is to be exercised in invoking these powers. The power of quashing criminal proceedings, particularly, after the charge has been framed, should be exercised very sparingly and with circumspection and that too in the rarest of rare cases.

The power is to be exercised to do real and substantial justice, for administration of which alone, the Court exist.

17. At this juncture, it is pertinent to note that time and again, it had been held by the Honourable Supreme Court in various decisions that no mini trial is contemplated at the stage of framing of charges or at the stage of considering the validity of such charges framed. For this proposition, it is relevant to refer to the decision of the Honourable Supreme Court reported in 2014 11 SCC 709 (State of Tamil Nadu Vs. N. Suresh Rajan and others), wherein it has been held thus:-

“29. True it is that at the time of consideration of the applications for discharge, the Court cannot act as a mouthpiece of the prosecution or act as a post office and may sift evidence in order to find out whether or not the allegations made are groundless so as to pass an order of discharge. It is trite that at the stage of consideration of an application for discharge, the Court has to proceed with an assumption that the materials brought on record by the prosecution are true and evaluate the said materials and documents with a view to find out whether the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. At this stage, probative value of the materials has to be gone into and the Court is not expected to go deep into the matter and hold that the materials would not warrant a conviction. In our opinion, what needs to be considered is whether there is a ground for presuming that the offence has been committed and not whether a ground for convicting the accused has been made out. To put it differently, if the Court thinks that the accused might have committed the offence on the basis of the materials on record on its probative value, it can frame the charge; though for conviction, the Court has to come to the conclusion that the accused has committed the offence. The law does not permit a mini trial at this stage.

32. While passing the impugned orders, the Court has not sifted the materials for the purpose of finding out whether or not there is sufficient ground for proceeding against the accused but whether that would warrant a conviction. We are of the opinion that this was not the stage where the Court should have appraised the evidence and discharged the accused as if it was passing an order of acquittal. Further, defect in investigation itself cannot be a ground for discharge. In our opinion, the order impugned suffers from grave error and calls for rectification.”

18. If there is a strong suspicion, which leads the Court to think that there is ground for presuming that the accused has committed an offence, then it is not open to the Court to say

that there is no sufficient ground for proceeding against the the accused. The presumption of the guilt of the accused which is to be drawn at the initial stage is only for the purpose of deciding prima facie whether the Court should proceed with the trial or not, as has been held in 2015 2 SCC 417 (State Vs. A.Arun Kumar).

19. In a recent decision of the Honourable Supreme Court reported in 2018 13 SCC 455 (State by the Inspector of Police, Chennai Vs. S.Selvi and another), wherein the Honourable Supreme Court has relied on its various decisions, regarding the scope of powers of revision, and has held as under:-

"6. It is well settled by this Court in a catena of judgments including Union of India v. Prafulla Kumar Samal [Union of India v. Prafulla Kumar Samal, (1979) 3 SCC 4 : 1979 SCC (Cri) 609] , Dilawar Balu Kurane v. State of Maharashtra [Dilawar Balu Kurane v. State of Maharashtra, (2002) 2 SCC 135 : 2002 SCC (Cri) 310] , Sajjan Kumar v. CBI [Sajjan Kumar v. CBI, (2010) 9 SCC 368 : (2010) 3 SCC (Cri) 1371] , State v. A. Arun Kumar [State v. A. Arun Kumar, (2015) 2 SCC 417 : (2015) 2 SCC (Cri) 96 : (2015) 1 SCC (L&S) 505] , Sonu Gupta v. Deepak Gupta [Sonu Gupta v. Deepak Gupta, (2015) 3 SCC 424 : (2015) 2 SCC (Cri) 265] , State of Orissa v. Debendra Nath Padhi [State of Orissa v. Debendra Nath Padhi, (2003) 2 SCC 711 : 2003 SCC (Cri) 688] , Niranjan Singh Karam Singh Punjabi v. Jitendra Bhimraj Bijjaya [Niranjan Singh Karam Singh Punjabi v. Jitendra Bhimraj Bijjaya, (1990) 4 SCC 76 : 1991 SCC (Cri) 47] and Supt. & Remembrancer of Legal Affairs v. Anil Kumar Bhunja [Supt. & Remembrancer of Legal Affairs v. Anil Kumar Bhunja, (1979) 4 SCC 274 : 1979 SCC (Cri) 1038] that the Judge while considering the question of framing charge under Section 227 of the Code in sessions cases (which is akin to Section 239 CrPC pertaining to warrant cases) has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out; where the material placed before the court discloses grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing the charge; by and large if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his rights to discharge the accused. The Judge cannot act merely as a post office or a mouthpiece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the statements and the documents produced before the court, any basic infirmities appearing in the case and so on.

This however does not mean that the Judge should make a roving enquiry into the pros and cons of the matter and weigh the materials as if he was conducting a trial.

7. In *Sajjan Kumar v. CBI* [*Sajjan Kumar v. CBI*, (2010) 9 SCC 368 : (2010) 3 SCC (Cri) 1371] , this Court on consideration of the various decisions about the scope of Sections 227 and 228 of the Code, laid down the following principles: (SCC pp. 376-77, para 21)

"(i) The Judge while considering the question of framing the charges under Section 227 CrPC has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out. The test to determine prima facie case would depend upon the facts of each case.

(ii) Where the materials placed before the court disclose grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing a charge and proceeding with the trial.

(iii) The court cannot act merely as a post office or a mouthpiece of the prosecution but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the court, any basic infirmities, etc. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.

(iv) If on the basis of the material on record, the court could form an opinion that the accused might have committed offence, it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence.

(v) At the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing a charge the court must apply its judicial mind on the material placed on record and must be satisfied that the commission of offence by the accused was possible.

(vi) At the stage of Sections 227 and 228, the court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value disclose the existence of all

the ingredients constituting the alleged offence. For this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.

(vii) If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage, he is not to see whether the trial will end in conviction or acquittal."

8. This Court in State v. A. Arun Kumar [State v. A. Arun Kumar, (2015) 2 SCC 417 : (2015) 2 SCC (Cri) 96 : (2015) 1 SCC (L&S) 505] , Sonu Gupta v. Deepak Gupta [Sonu Gupta v. Deepak Gupta, (2015) 3 SCC 424 : (2015) 2 SCC (Cri) 265] , State of Orissa v. Debendra Nath Padhi [State of Orissa v. Debendra Nath Padhi, (2003) 2 SCC 711 : 2003 SCC (Cri) 688] and State of T.N. v. N. Suresh Rajan [State of T.N. v. N. Suresh Rajan, (2014) 11 SCC 709 : (2014) 3 SCC (Cri) 529 : (2014) 2 SCC (L&S) 721] has reiterated almost the aforementioned principles. However, in State of Haryana v. Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] , relied upon by the counsel for Respondent 1 is not applicable to the facts of the case inasmuch as the said matter arose out of the judgement of the High Court quashing the entire criminal proceedings inclusive of the registration of first information report. The said matter was not concerned with the discharge of the accused.

10. If on the basis of the material on record, the Court would form prima facie opinion that the accused might have committed the offence, it can frame charge, though for conviction it is required to be proved beyond reasonable doubt that the accused has committed the offence. At the time of framing of charges, the probative value of the material on record has to be gone into and the Court is not expected to go deep into the matter and hold that the materials would not warrant conviction. The Court is required to evaluate the material on record at the stage of Sections 227 or 239 of the Code, as the case may be, only with a view to find out if the facts emerging therefrom taken at the face value discloses the existence of all the ingredients constituting the alleged offence. It is trite that at the stage of consideration of an application for discharge, the Court has to proceed with the presumption that materials brought on record by the prosecution are true and evaluate such material with

a view to find out whether the facts emerging therefrom taken at their face value disclose existence of the ingredients of the offence.

20. In this case, pursuant to the dismissal of the discharge petition, the Trial Court has framed charges based on the available materials.

21. In 2012 9 SCC 460 (Amit Kapoor Vs. Ramesh Chander and another), wherein the order of the High Court, quashing the charges framed was under challenge, the Honourable Supreme Court has held that framing of charge is a kind of tentative view, which is subject to final culmination of the proceedings and that the Court is not expected to form even a firm opinion at this stage, but a tentative view would evoke presumption referred to under Section 228 of Cr.PC. It was finally held that the High Court erred in quashing the charges, by reevaluating and re-appreciating the evidence, which was beyond the jurisdiction, either revisional or inherent, when the High Court itself, was of the opinion that clear facts and correctness of the allegations made can be examined only upon full trial. The Honourable Supreme Court holding so, had set aside the order of the High Court, quashing the charges and directed the Trial Court to proceed with the Trial, in accordance with law.

22. In the case on hand, this Court, on applying the above decisions to the case on hand and on perusing the materials and after going through the documents and the statements filed along with the charge sheet, is of the view that there are sufficient prima facie materials for framing charges against the Petitioner/A1. It is not the stage where the Court can appreciate or evaluate the record and documents filed with it.

23. In the result, this Criminal Revision Petition is dismissed. No costs. Consequently, the connected MPs are closed. However, it is made clear that the Trial Court shall proceed with the trial in accordance with law, uninfluenced by any of the observations made in this order.

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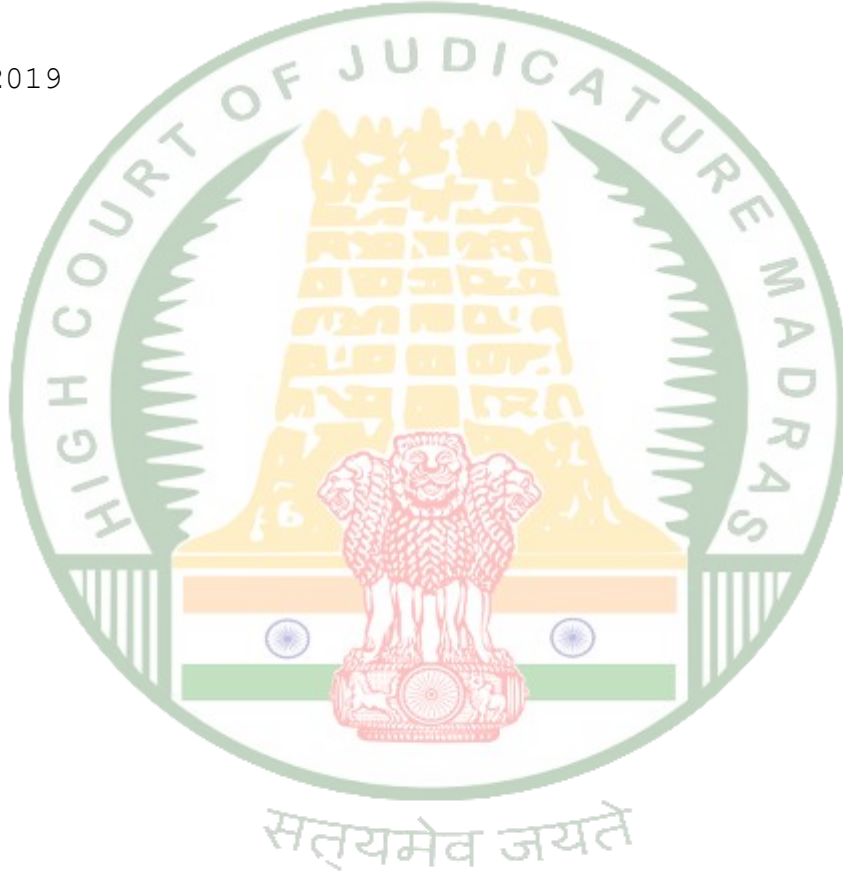
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To:

- 1.The XI Additional Sessions and Special Judge for CBI Cases,
Chennai
- 2.The Inspector of Police, CBI/ACB/Chennai
- 3.The Special Public Prosecutor for CBI Cases,
High Court, Madras.

CrI.RC.No.284 of 2019

GJII(CO)
CS/24/05/2019



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