Crl.R.C.No.1023 of 2019

M.NIRMAL KUMAR., J.

This matter has been posted today under the caption 'for being mentioned'. In paragraph no.6 c) of the order in Crl.R.C.No.1023 of 2019, dated 24.10.2019, instead of "c) City Union Bank Deposit dated 24.09.2007 for the initial deposit of Rs.45,000/-", the same shall read as "c) City Union Bank Deposit Receipt No.1115289 dated 21.09.2007 for the initial deposit of Rs.45,000/-".

17.02.2022

mpl/sli

Note: Registry is directed to issue a corrected order copy

M.NIRMAL KUMAR., J.

mpl/sli

Crl.R.C.No.1023 of 2019

17.02.2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

DATED 24.10.2019

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CRL.R.C.NO.1023 OF 2019

Tr.K.Thulasiraman .. Petitioner

Vs

The Inspector of Police,
Vigilance and Anti-Corruption,
Special Investigation Cell,
Chennai 600 028. .. Respondent

Prayer: Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C., praying to set aside the order dated 21.1.2019 passed by the Special Court for the cases under Prevention of Corruption Act at Chennai in Crl.M.P.No.578 of 2018 in C.C.No.20 of 2013.

For Petitioner : Mr. V. Krishnamoorthy

For Respondent: Mrs.M.Prabavathy,
Addl. Public Prosecutor

ORDER

This Revision Petition has been filed against the dismissal of Crl.M.P.No.578 of 2018 by the trial Court by its order dated 21.1.2019. The petitioner is one of the accused in C.C.No.20 of

2013 pending on the file of Special Court for the cased under Prevention of Corruption Act at Chennai. He along with his wife and father in law are facing trial for offence under section 13(2) r/w.13(1)(e) of Prevention of Corruption Act 1988, read with 109 IPC.

2. Before the trial Court, the petitioner had filed petition under section 451 of Cr.P.C., seeking return of the Fixed Deposit Receipts which were seized during house search. But the trial court has dismissed the same holding that the source for the Fixed Deposit receipts was not established and the same can be dealt with only during trial, therefore it is premature to seek return of those documents.

3. Aggrieved over the order passed by the trial court, petitioner has filed the present Revision seeking return of three documents/Fixed Deposit Receipts in his name as well as in the name of his wife.

4. The contention of the petitioner is that the Fixed Deposits are subsequent to the check period. In this case, the check period is between 1.11.2002 an 31.10.2005. Admittedly, the Fixed Deposit Receipts in the petition are of the year 2007. Further the Fixed Deposit Receipts are not reflected in the statement annexed in the charge sheet. No doubt the fixed deposit receipts were seized from the first accused during the house search on 4.12.2017.

5. After detailed investigation, charge sheet came to be filed in the year 2013. Though the lower court had categorically given a finding that the Fixed Deposit Receipts does not pertain to the check period, it declined the prayer of the petitioner stating that the petitioner has to substantiate his right during his trial which has to be decided at a later stage while rendering the judgment.

6. The petitioner's Fixed Deposit Receipts details are furnished below;

a. Tamilnadu Mercantile Bank Tambaram Branch. Fixed Deposit Receipt No.TMB/400 Scheme No.146200400900167 dated 18.5.2007 for a initial deposit amount of Rs.3,00,000/- in favour of Tvl.K.Thulasiraman (A1) & V.Kothai (A2).

b) Corporation Bank Deposit Number GDKCC/01/070036 dated 06.06.2007 for the initial deposit amount of Rs.45,000/-.

c) City Union Bank Deposit dated 24.09.2007 for the initial deposit of Rs.45,000/-.

7. Learned Govt. Advocate (crl.side) filed a counter, wherein, it is admitted that the above said three fixed deposits have been seized during house search on 4.12.2007. Initially the documents were forwarded and particulars of the documents were informed to the CMDA, the employer of the petitioner to take departmental action against the petitioner. It is submitted that in the charge sheet, LD 84, 85 and 86 are the letters of the concerned Bank Managers with regard to the Fixed Deposit Receipts.

8. On instructions, the learned Additional Public Prosecutor submits that the Fixed Deposit Receipts have been now deposited with the trial Court. It is an admitted fact that the check period is

from the year 1.11.2002 to 31.2.2005 and it is also admitted that the three Fixed Deposits have been made in the year 2007 and it is also admitted that the above stated three Fixed Deposit Receipts does not find place in the statements 1 to 6 relied upon by the prosecution and it is not a factum to the case of the prosecution.

9. In view of the same, this Court finds that there is no reason for these Fixed Deposit Receipts to be further retained in this case. Hence the trial court is directed to return the above three Fixed Deposit Receipts to the petitioner on condition that certified copy of the Fixed Deposit Receipts to be made and replaced in the case bundle, further with an undertaking from the petitioner that the certified copies will not be disputed. During the trial, if the trial court finds these Fixed Deposit Receipts are material to the case, the trial court to proceed with the certified copies. In such event, the petitioner shall deposit the redeemed value of the Fixed Deposits. Further the petitioner is directed to inform the trial court by a memo with particulars of closure of Fixed Deposits and its value.

M.NIRMAL KUMAR, J.

msr

10. With the above observation, this petition is disposed of.

24.10.2019

msr

To

1.The Inspector of Police,
Vigilance and Anti-Corruption,
Special Investigation Cell,
Chennai 600 028

2. The Public Prosecutor,
High Court, Madras

CRL.R.C.NO.1023 OF 2019

24.10.2019