

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.R.C.NO.1347 OF 2019

Kakulamarrikalyan Srinivasa Rao

... Petitioner

Vs.

State Rep By:

The Central Bureau of Investigation,
Bank Securities and Frauds Cell,
rep. by Superintendent of Police,
Bangalore, Karnataka.

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order dated 12.11.2019 passed in CrI.M.P.No.2260 of 2019 in C.C.No.3449 of 2018 in Crime No.4 of 2016 on the file of the Additional Chief Metropolitan Magistrate Court, Egmore, Chennai.

For Petitioner : Mr.Kumaresan for M/s.N.Elumalai

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor for
CBI Cases

ORDER

This Criminal Revision Petition has been filed against the dismissal order dated 12.11.2019 in CrI.M.P.No.2260 of 2019 in C.C.No.3449 of 2018 passed by the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai, seeking permission to travel Malaysia and Thailand for a period of four weeks for business trip.

2.The sum and substances of the case is that the petitioner is involved in three criminal cases registered by the Central Bureau of Investigation and he cheated several crores of amount in the three cases. Hence, the trial Court dismissed the petition, against which he preferred this revision petition.

3.The learned counsel appearing for the petitioner would submit that the petitioner was involved in three criminal cases registered by CBI for the offence under Sections 120-B r/w 420, 468 and 471 of IPC. The petitioner/A1 is a Managing Director of

M/s.Best & Crompton Engineering Projects Limited, Chennai. The said company borrowed a huge sums of money from the Nationalized Bank. Thereafter, the amount was not repaid and thereby the respondent/CBI registered three criminal cases against the petitioner. Earlier the petitioner approached the learned Principal Sessions Judge for Anticipatory Bail in Crime No.4 of 2016. While granting Anticipatory Bail on 28.04.2016, the learned Principal Sessions Judge, Chennai imposed certain conditions that the petitioner shall not leave the country without prior permission of the trial Court and shall surrender his passport before the trial Court. Thereafter, the petitioner travelled to abroad only after obtaining permission and passport from the trial Court and returned to India and also appeared before the trial Court for the hearing. The petitioner filed a petition in CrI.M.P.No.2260 of 2019 before the trial Court to permit him to travel Malaysia and Thailand from 17.11.2019 to 24.11.2019. The trial Court by order dated 12.11.2019 dismissed the same without considering the materials placed by the petitioner. Against which, he filed the present revision petition.

4.The learned Special Public Prosecutor (CBI Cases) appearing for the respondent would submit that the first case was registered on 01.12.2016 by the respondent/Bank Security and Fraud Cell, Bangalore in Crime No.4 of 2016 for the offence under Sections 120-B r/w 420, 468 and 471 of IPC. Thereafter, another case was registered by the CBI in Crime No.4/E/2017/CBI/BSFC/Bangalore, regarding the irregularities in the working capital, Bank Guarantee and Letter of Credit Facilities of M/s.Best & Crompton Engineering Project Limited, who availed the same from the Andhara Bank, T.Nagar Branch, Chennai during 2010-2013 and cheated to the tune of Rs.76.20/- Crores. Hence, the Lock Out Circular was issued for his availability in India for investigation and thereby to ensure the pace of investigation. Again the petitioner involved another criminal case in Crime No.R.C.14/E/2018 based on the complaint of the Corporation Bank, Zonal Office, Chennai against the said company for the wrongful loss to the bank to the tune of Rs.266.06/- Crores. After obtaining the passport pursuant to the direction of this Court in CrI.O.P.No.5521 of 2017 dated 12.05.2017, the petitioner herein got back his passport and has travelled Indonesia and London on 07.06.2017 and 08.08.2017 without prior permission of the trial Court. Thereafter the Lock Out Circular was issued and the same was challenged before this Court in W.P.No.11373 of 2017 and this Court dismissed the said writ petition.

5.The learned Special Public Prosecutor would further submit that the one criminal case in Crime No.4 of 2016 against the petitioner is in trial before the trial Court in C.C.No.3449 of 2018 and the other cases are still in investigation. If the

petitioner is permitted to travel abroad, it will be very difficult to bring him to India and there is no possibility that the petitioner will face any trial. Further, it is impossible to secure the accused for completion of the trial and investigation. Hence, he prayed for dismissal of the revision petition.

6. Taking into consideration of the fact that the petitioner involved in three criminal cases and also the allegations that the petitioner cheated huge sums of money and the same was borrowed from the nationalized bank and also considering the fact that the country in which the petitioner wants to travel is a non-treaty country, this Court is not inclined to interfere with the order passed by the trial Court. Accordingly, the order dated 12.11.2019 in CrI.M.P.No.2260 of 2019 in C.C.No.3449 of 2018 is confirmed.

7. This Criminal Revision Petition stands dismissed, with a liberty to the petitioner to approach the trial Court to deposit a sum of Rs.300/- Crores and if any such deposit is made before the trial Court, it is for the trial Court to consider the same and pass orders on merits in accordance with law.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Chief Metropolitan Magistrate Court, Egmore, Chennai.
2. The Superintendent of Police, Central Bureau of Investigation, Bank Securities and Frauds Cell, Bangalore, Karnataka.
3. The Special Public Prosecutor (CBI Cases), High Court, Madras.

+1cc to M/s.N.Elumalai, Advocate, S.R.No.101452

CrI.R.C.No.1347 of 2019

NRL(CO)
CS/24/01/2020