

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.01.2019
CORAM
THE HONOURABLE MR. JUSTICE M.DHANDAPANI, J.

Crl.O.P.Nos.30408 & 30413 of 2018
and
Crl.M.P.Nos.17914 & 17915 of 2018

- 1.M/s.Ramaraj Trading Company P. Ltd.,
Rep. by its Mr.D.Gobichandran
- 2.M/s.Jaimatha Farm Dealers Private Ltd.,
Rep. by its Mr.D.Gobichandran
- 3.M/s.Well Stores (Madras) Private Limited
Rep. by its Mr.D.Gobichandran
- 4.M/s.Indeco Builders (P) Ltd.,
Rep. by is Mr.D.Gobichandran
- 5.M/s.Sanjeevi Packaging Private Limited
Rep. by its Mr.D.Gobichandran
- 6.M/s.Abhinav Exim (Madras) P. Ltd.,
Rep. by its Mr.D.Gobichandran

...Petitioners in both the Petitioner/ Accused 20-25
in both the petitions

Vs.

- 1.State Rep. by
the Inspector of Police
CBI / EOW / Chennai

- 2.The Chief Manager
Asset Recovery Management Branch
Indian Bank, Wellington Estate
No.55, Ethiraj Salai, Egmore
Chennai 600 008

... Respondents in both Petitions

Common Prayer: Criminal Original Petitions have been filed under section 482 of Cr.P.C. to call for the records in Crl.M.P.No.6828 and 6829 of 2018 in C.C.No.36 of 1998 dated 31.10.2018 on the file of the Principal Special Judge for CBI

Cases, Chennai (VIII Additional City Civil Court, Chennai) and set aside the same.

For Petitioners : Mr.N.Ramakrishnan
for M/s.Waraon and Sai Rams

For Respondents : Mr.K.Srinivasan
Special P.P. (for CBI Cases)

COMMON ORDER

These Criminal Original Petitions have been filed to grant interim stay of all further proceedings in C.C.No.36 of 1998 and to call for the records in CrI.M.P.No.6828 and 6829 of 2018 in C.C.No.36 of 1998 dated 31.10.2018 on the file of the Principal Special Judge for CBI Cases, Chennai (VIII Additional City Civil Court, Chennai) and set aside the same.

2.The Trial Court after perusing the petitions filed by the petitioners under Section 91 and 311 of Cr.P.C., to reopen the defence evidence in C.C.No.36/1998 and call the Chief Manager (Asset Recovery Management Branch, Indian Bank, Wellington Estate, No.55, Ethiraj Salai, Egmore, Chennai 600 008 to appear before this Court for giving evidence as defence witnesses along with the letter dated 11.12.2007 and seeking the 2nd respondent to produce a certified copy of the letter dated 11.12.2007 bearing No.ARGB/CK/255/2007-08 written by the Chief Manager to the Deputy General Manager (R & L), Indian Bank, Head Office, Chennai, dismissed the same on the ground that the petitions are not maintainable at this stage as the prosecution has completed its arguments and the case was posted for defence side arguments.

3.The learned counsel appearing for the petitioners would submit that it is suffice to permit the petitioners to place the documents before the Trial Court for deciding the issue in the above Criminal case.

4.The learned Special Public Prosecutor (CBI Cases) would submit that the petitioners are at liberty to file a memo along with the photocopy of the letter dated 11.12.2007 bearing No.ARGB/CK/255/2007-08 written by the Chief Manager to the Deputy General Manager (R & L), Indian Bank, Head Office, Chennai before the Trial Court. The documents filed by the petitioners for their defence shall be considered by the Trial Court while deciding the case in accordance with law.

5.In view of the above submissions made by the learned Special Public Prosecutor, this court is inclined to direct the Trial Court to consider the memo along with the letter dated 11.12.2007 bearing No.ARGB/CK/255/2007-08 written by the Chief

Manager to the Deputy General Manager (R & L), Indian Bank, Head Office, Chennai filed by the petitioners as one of the documents filed by the defence side for rendering judgment in the above C.C.No.36 of 1998 in accordance with law.

6. Accordingly, these criminal original petitions are disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Special Judge for CBI Cases
Chennai (VIII Additional City Civil Court, Chennai)

2.The Inspector of Police,
CBI/EOW/Chennai.

3.The Chief Manager
Asset Recovery Management Branch
Indian Bank, Wellington Estate
No.55, Ethiraj Salai, Egmore, Chennai 600 008

4.The Public Prosecutor
High Court of Madras

+2cc to Mr.Waraon and Sai Rams, Advocate, S.R.No.1655

CrI.O.P.Nos.30408 & 30413 of 2018

VGI (CO)
GSP (06/02/2019)

सत्यमेव जयते

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