

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.R.C.No.1483 of 2018

1. Vasuki
2. M.Dharmalingam
3. P.Neelavathy
4. S.Thamaraiselvi

... Petitioners

Vs.

The State Rep. By
The Inspector of Police,
SPE/CBI/ACB,
Chennai
(Crime No.RC MAI 2004 A 0002)

... Respondent

Prayer: Criminal Revision Petition filed under Section 397 R/w 401 of Criminal Procedure Code to call for the records and set aside the orders passed by the XI Additional Special Session Judge CBI Court at Chennai in Crl.MP.No.3932 of 2018 in C.C.No.11 of 2006 on 20.11.2018.

For Petitioner : M/S.S.Sugendran

For Respondent : Mr.K.Srinivasan
Spl. Public Prosecutor (for CBI Cases)

O R D E R

The petitioners are A27, A31, A32 and A40. This Revision petition has been filed by the petitioners as against the order passed by the XI Additional Special Sessions Judge, CBI Court at Chennai on 20.11.2018 in Crl.M.P.No.3932 of 2018. The petitioners are the accused in Crime No.RC MAI 2004 A 0002 under Section 120(B), 420, 467, 468, 471 of IPC and r/w Section 13(2), 13(1)(d) of Prevention of Corruption Act, 1988.

2.The case of the prosecution is that the petitioners availed housing loan and purchased plots under the HUDCO Scheme by furnishing fabricated documents.

3.The learned counsel appearing for the petitioners would submit that the petitioners sought to return of the

original sale deeds of documents by filing a petition in CrI.M.P.No.3932 of 2018 on the file of the XI Additional Special Sessions Judge, CBI Court, for the property purchased by them fraudulently viz. document No.3023/2002(A27), document No.3051/2002(A31), document No.3049/2002(A32) and document No.3050/2002(A40), which is in possession of CBI for the purpose of investigation and as evidence for prosecution. The said petition was dismissed by the Trial Judge on the ground if the original sale deed documents are released, there may be a fair chance of alienating and encumbering the properties. Challenging the above said order, the petitioners are before this Court.

4.The learned counsel appearing for the petitioners would further submit that the petitioners have individually filed affidavits stating that they will not sell or mortgage the properties to anyone if the said Original sale deeds are returned to them. Accordingly, prays for allowing this Revision.

6.The learned Special Public Prosecutor (CBI Cases) would submit that since the petitioners have filed affidavits undertaking that they will not alienate or encumber the properties if the original sale deeds are released in their favour, the same may be released by substituting the certified copies of the original sale deeds in the Trial Court.

7.Heard the learned counsel appearing for the petitioners and the learned Special Public Prosecutor.

8.In view of the above, the Trial Court is hereby directed to release the original sale deeds of the petitioners viz. document No.3023/2002(A27), document No.3051/2002(A31), document No.3049/2002(A32) and document No.3050/2002(A40) only, in favour of the petitioners after obtaining substituted copies, within a period of two weeks. The petitioners are hereby directed not to alienate or encumber the properties as stated in clause 4 and 5 of their affidavits.

9.With the above direction, this Criminal Revision Petition is disposed of.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The 11th Additional Special Session Judge
for CBI Cases, Chennai.
- 2.The Inspector of Police,
SPE/CBI/ACB,
Chennai (Crime No.RC MAI 2004 A 0002)
- 3.The Public Prosecutor (CBI Cases)
High Court of Madras.

Crl.R.C.No.1483 of 2018

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