

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.179 of 2020

M.Kamarajan

... Petitioner

Vs.

The Inspector of Police,
CBI, Anti-Corruption Branch,
Chennai-600 006.

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order dated 24.07.2019 made in Crl.M.P.No.5018 of 2018 in C.C.No.37 of 2012 on the file of the XI Additional Sessions Court (Special Court for CBI Cases), at Singaravelan Maligai, Chennai and allow the Criminal Revision Petition.

For Petitioner : Mr.C.Santhosh Kumar

For Respondent : M/s.K.Srinivasan,
Special Public Prosecutor [CBI Cases]

ORDER

This Criminal Revision Petition has been filed to set aside the order dated 24.07.2019 in Crl.M.P.No.5018 of 2018 in C.C.No.37 of 2012 passed by the learned XI Additional Sessions Judge (Special Court for CBI Cases), Singaravelan Maligai, Chennai.

2.The petitioner has availed a housing loan from the Corporation Bank to the tune of Rs.11,73,626.50/- by mortgaging the property through M/s.G.K.Associates and he has regularly paid the loan to the Bank for some time and thereafter, the petitioner was not able to make the payment due to financial constraints. Therefore, the Corporation Bank had classified the account of the petitioner as Non Performing Account (NPA) and issued a demand notice to repay the loan amount. The petitioner availed the loan on the assurance that the said G.K.Associates would construct a house to him. While being so, G.K.Associates had cheated by taking away the money which was paid by the petitioner for construction of house. Therefore, an action was initiated against the representatives of G.K.Associates and a criminal case had been filed before the trial Court vide C.C.Nos.37 & 38 of 2012 and the loan

documents had been taken on record by the CBI. When the petitioner filed a petition for return of documents before the trial Court in CrI.M.P.No.5018 of 2018 in C.C.No.37 of 2012, the trial Court by its order dated 24.07.2019 dismissed the petition, against which the present revision has been filed.

3.The learned counsel for the petitioner would submit that the petitioner is a third party and he has no connection with any of them involved in C.C.Nos.37 & 38 of 2012. He would further submit that if the original documents are returned to the petitioner, he will not alienate the property till the disposal of the above case. Hence, this Court may issue a direction to the trial Court to return the property of the petitioner and permit the petitioner to substitute the original documents by filing copy of document and an affidavit of undertaking before the trial Court.

4.The learned Special Public Prosecutor for CBI Cases appearing for the respondent would submit that he has no objection for substituting the documents which are available in the trial Court.

5.Considering the submissions made on either side, this Court directs the petitioner to file copy of document and an affidavit of undertaking before the trial Court that he will not alienate or encumber the property till the disposal of the case. On such filing, the trial Court has to consider the same and return the original documents which was seized in respect of C.C.Nos.37 & 38 of 2012.

6.With the above directions, this Criminal Revision Petition is disposed of.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

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To

1.The XI Additional Sessions Court
(Special Court for CBI Cases),
at Singaravelan Maligai,
Chennai.

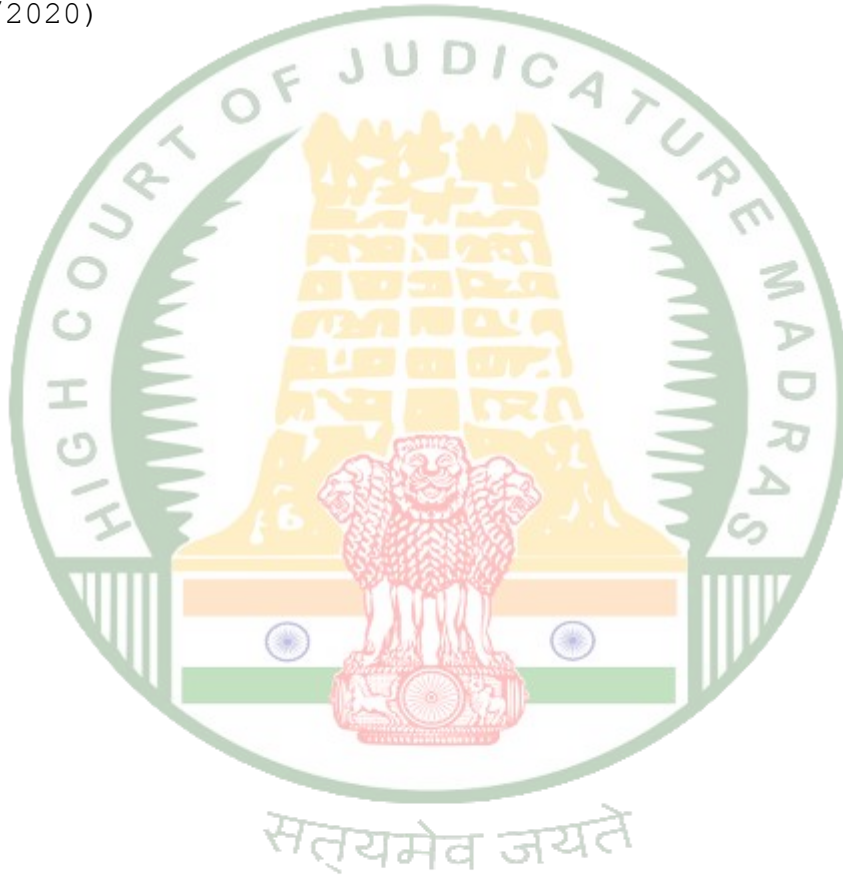
2.The Inspector of Police,
CBI, Anti-Corruption Branch,
Chennai-600 006.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Santhosh Kumar, Advocate SR.No.8366

Cr1.R.C.No.179 of 2020

SJCO)
GMY (27/02/2020)



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