



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.R.C.No.608 of 2021

Reha Banu

... Petitioner

Versus

The State represented by
Deputy Superintendent of Police,
Central Bureau of Investigation,
Anti Corruption Bureau, Chennai.

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 and 401 of Cr.P.C, to set aside the order made in Crl.M.P.No.11410 of 2019 in RC MA1 2015 A 0037 - CBI, ACB, Chennai of the Principal CBI Court Judge at Chennai.

For Petitioner : Mr.P.Saranath

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor

ORDER

This petition has been filed to set aside the order made in Crl.M.P.No.11410 of 2019 in RC MA1 2015 A 0037 - CBI, ACB, Chennai of the Principal CBI Court Judge at Chennai.

2. The petitioner/A9 in RC MA1 2015 A 0037- CBI, ACB, Chennai, has filed this petition seeking to set aside the order in Crl.M.P.No.11410 of 2019 in RC MA1 2015 A 0037 - CBI, ACB, Chennai. The petitioner earlier filed a petition under Section 451 of Cr.P.C., seeking return of her jewellerys and the materials seized by the respondent, which were kept in locker Nos.1154 & 1163 in Axis Bank. On 24.08.2015 her lockers were taken inventory and items of inventories, viz., gold and silver were sealed. The petitioner's father was a business man and most of the articles mentioned in the acquisition were acquired before the marriage and the remaining articles were also purchased thorough the heard earned money. The petitioner is a destitute woman and after sudden demise of her husband, she finds it difficult to take care of her two children. Hence, she sought return of her articles and other properties, which were kept in the locker, at the instance of the CBI.



3. He further submits that the petitioner earlier moved a petition with similar facts in Crl.R.C.No.1354 of 2018 and this Court after by the order dated 13.04.2018 directed the CBI to complete the investigation within a period of one year and also given liberty to the petitioner to file appropriate petition before the trial Court after that period. Subsequently, the petitioner filed Crl.M.P.No.11410 of 2019 before the Lower Court. The Lower Court dismissed the said petition stating that it is a case under Prevention of Corruption Act, and hence, the properties will be kept in the locker till the final disposal of the case, as against which, the present Revision.

4. The learned Special Public Prosecutor submits that the petitioner is A9 in RC 37(A)/2015/CBI/ACB/Chennai and it is a case of inappropriate asset. On 24.08.2015, proceedings were held at Axis Bank, Chennai Main Branch and locker No.1154 was opened, in which several documents and articles including jewelry bills were found. The respondent seized 1801.500 grams of gold items and 2004.000 grams of silver articles, which is the subject matter of investigation. He further submits that the check period is between 1999 and 2010 and inventory items of collection falls within the check period. Hence, the valuables cannot be returned to the petitioner.

5. It is further stated that the Investigation is now completed and awaiting for sanction for prosecution. Only after getting the sanction status of the petitioner as well as the other accused and the seized articles will be known.

6. In view of the above, after filing of the charge sheet, the petitioner can renew the application if she so desires.

7. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

dna

To

1. The Principal CBI Court Judge,
Chennai.



2.The Deputy Superintendent of Police,
Central Bureau of Investigation,
Anti Corruption Bureau, Chennai.

3.The Special Public Prosecutor for CBI,
High Court, Madras.

+1cc to M/s.Jeevaradhinam, Advocate SR.No.1849

CRL.R.C.No.608 of 2021

PMK (CO)
GMY (31/01/2022)