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Crl.M.P.No.7979 of 2023

in

Crl.A.No.18 of 2013

Dr.G.JAYACHANDRAN, J.

This petition is filed by one A.N.Lakshmi, who was examined as P.W.3 in C.C.No.56 of 2004 on the file of the XI Additional Special Judge for CBI Cases, Chennai.

2. The accused, in the case who was found guilty and convicted, had preferred Crl.A.No.18 of 2013. Pending appeal, the petitioner herein sought for return of the original fixed deposit receipt, which stands in her name, been marked as Ex.P5 in this case.

3. According to the petitioner, she deposited a sum of Rs.2 lakhs in the fixed deposit scheme at Indian Bank, Thiruporur Branch, on 09.08.2001 and she was in possession of the original deposit receipt. Later, the receipt was seized by the CBI in connection with the case registered by them against one R.Chandrasekaran, the Branch Manager of Indian Bank, Thiruporur Branch, in C.C.No.56 of 2004 and the receipt been marked in the course of trial as Ex.P5.



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4. According to the prosecution, taking advantage of the deposit made by the petitioner, the accused has forged a duplicate FDR and had raised loan to get pecuniary benefit for himself and to cheat the bank using forged document as genuine. The case of the prosecution is that the forged FDR with No.173808, which is marked as Ex.P8, been misused by the accused to raise loan on deposit at Indian Bank, Mappedu Branch. To show that the actual deposit in the name of the petitioner in FDR No.222028, the prosecution had marked her deposit receipt as Ex.P5. On maturity of the deposit, when she approached the bank to get back the FD amount with accrued interest, the Branch Manager had instructed her to produce the original FDR receipt, which forms part of the record in C.A.No.18 of 2013 arising out of C.C.No.56 of 2004. Hence, the petition is filed under Section 452 of Cr.P.C., for return of the original FDR, marked as Ex.P5, in C.C.No.56 of 2004.

5. The learned counsel appearing for the petitioner submitted that the said original document is no more necessary for deciding the appeal and therefore, the original may be returned to the petitioner, who is entitled to have its possession, being the depositor.



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6. The Inspector of Police, CBI, ACB, Chennai, had filed counter to this application stating that the original FDR of the petitioner was marked as Ex.P5 and the forged FDR receipt used by the accused to cheat the bank was marked as Ex.P8. Since the appeal is pending, both the original FDR receipt and fake FDR receipt required to be retained by the Court for re-appreciation.

7. This Court, today, heard the appeal and reserved judgment. The issue pertaining to the FDRs, which are marked as Ex.P5 and Ex.P8 been instantly argued by the counsels and the Court had taken note of the fact that the Original FDR, marked as Ex.P5, is no more required for this Court. Therefore, the application filed to return the original FDR marked as Ex.P5 in C.C.No.56 of 2004 is allowed.

8. The Registry is directed to return the original FDR receipt bearing No.222028, dated 09.08.2001, stands in the name of A.N.Lakshmi, marked as Ex.P5, after replacing it with the certified copy of the original in the record.

12.06.2023



Dr.G.JAYACHANDRAN, J.

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