



WEB COPY



Crl.R.C.No.1238 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.08.2023

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Criminal Revision Case No.1238 of 2022

Dr.N.Sathyanarayana,

... Petitioner/Accused 2

/versus/

The State represented by,
The Inspector of Police,
CBI/ACB/Chennai,
RC MA1 2017 A 009,
Chennai.

... Respondent/Complainant

Prayer: Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C., pleaded to call for the records in Crl.M.P.No.6849 of 2021 in C.C.No.04/2020 on the file of the Learned IX Additional Special Judge for CBI Cases, Chennai and set aside the order dated 01.08.2022 in Crl.M.P.No.6849 of 2021.

For Petitioner : Mr.R.John Sathyan, Senior Counsel
for Mr.P.Divakar

For Respondent : Mr.K.Srinivasan,
Special Public Prosecutor, (C.B.I)

ORDER



Crl.R.C.No.1238 of 2022

WEB COPY

Pursuant to specific information, at Madurai Airport, the C.B.I conducted search and the items listed below recovered from the petitioner, while he was about to board his flight from Madurai to Chennai. Investigation has indicated that, this petitioner along with A-1 had collected money from member of Match Industries Associations and Fumigators Association, to pass favourable order regarding import of *populus nigra* wood with bark.

(i). *One brown color cover containing Rs.2,00,000/- in the denomination of Rs.2000 x 100.*

(ii). *One brown color cover containing Rs.1,00,000/- in the denomination of Rs.2000 X 50.*

(iii). *One brown color cover containing Rs.10,000/- in the denomination of Rs.100 X 100.*

(iv). *One white color cover containing Rs.50,000/- in the denomination of Rs.500 x 100/-.*

(v). *Visiting cards of Fumigation Services - S. Anbalagan, St.Johns - Gnanadoss T, VJS Fumigation Services C. Vincent, National Fumigation - Rajakumar, Intech Pharma Pvt Ltd - Saharan, Vajja Srinivasa Rao, bill of the*



Crl.R.C.No.1238 of 2022

Residency Towers in the name of Sathyanarayana (A-2) dated 24.04.17, Air India ticket, Aviation Express bill, Guest bill of Hotel Bawa International, etc.

(vi). Ten packets of cashew nut weighing about 6 kgs.

(vii) One packet of Almond about 1-1/2 kg

(viii).Three packets of macaroni sweets about 1-1/2 kg.

(ix) One bottle of Chivas Regal foreign scotch whisky- one litre with cover,

(x). One bottle of Johnny Walker Black Label Scotch Whisky with cover.

(xi). One bottle of Vat 69-Scotch whisky

Rs.95,000/- in the denomination of Rs.2000 x 40 and Rs.500 x 30 in his back-side pant pocket.

2. The respondent filed final report on completion of the investigation against the petitioner and 6 others for offences under Section 120-B of I.P.C and Sections 7, 8, 9 and Sections 13(2) r/w 13(1)(a)(d) of P.C Act, 1988. The petitioner filed discharge petition before the trial Court, same was dismissed. Hence, the present Revision Petition. The Learned Senior Counsel



Crl.R.C.No.1238 of 2022

for the petitioner/A2 contended that, the trial Court ought to have allowed the Crl.M.P.No.6849 of 2021 filed under Section 239 of Cr.P.C. It failed to consider the explanation given by the petitioner for possession of the money seized from him at the Airport. Particularly, the Learned Senior Counsel for the petitioner/A2 submitted that, the day before the seizure, the petitioner borrowed a sum of Rs.4 lakhs from one Sivam, on execution of pro-note and the pro-note copy given to the Investigation Officer at the time of Investigation but not taken note by him. Even according to the prosecution witness, the alleged money collected from the members of the Association was not demanded or received by this petitioner but only by A1 and others.

3. The Learned Special Public Prosecutor for the respondent/C.B.I has filed detailed counter, wherein it is stated that, there are incriminating materials against this petitioner to indicate that, for the purpose of collecting illegal gratification, meeting was convened by A1 with the members of the Association. This petitioner was also found present at the meeting. The telephonic conversation between him and one Maharajan also been recorded which could show the involvement of this petitioner in the scheme of convening meeting for the purpose of collecting gratification. Further, the Learned



Crl.R.C.No.1238 of 2022

Counsel for C.B.I submitted that, the truth of so called pro-note for borrowing from Sivam, is to be tested in the trial since it was not produced immediately by the petitioner but belatedly and the statement of Sivam also not consistent.

4. This Court finds that, the material placed by the petitioner herein not sufficient to arrive at a conclusive decision that, there is no *prima facie* material against this petitioner to proceed. In such circumstances, when the prosecution is able to place before the Court, material which are sufficient to frame charges against this petitioner, plea to discharge from cannot be entertained. Accordingly, this ***Criminal Revision Case is dismissed.***

11.08.2023

Index :Yes/No.

Internet :Yes/No.

Speaking order/non speaking order

bsm

To:-

1. The X Additional Special Judge for CBI Cases, Chennai.
2. The Inspector of Police, CBI/ACB/Chennai.
3. The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J.



WEB COPY



Crl.R.C.No.1238 of 2022

bsm

Criminal Revision Case No.1238 of 2022

11.08.2023