



Crl.R.C(MD)No.316 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 03.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)No.316 of 2023

T.Saravanan

.. Petitioner/Petitioner/PW.6

Vs.

1.The State represented by,
The Inspector of Police,
CBI, Chennai.

...1st Respondent/Respondent/Complainant

2.S.Kattabomman,
The then Chief Manager,
State Bank of Travancore,
Tiruchirappalli.
(under suspension)

3.J.Mohan,
The then Deputy Manager (Advances),
State Bank of Travancore,
Tiruchirappalli and presently posted at
Shencottah.

4.M/s.Adhithya Builders,
9, S.V.Complex,
Opp., to New Bus Stand,
Musiri, Trichy-621 211.

5.Suresh Thirumalai,
Proprietor,
M/s.Adhithya Builders,
9, S.V.Complex,



Crl.R.C(MD)No.316 of 2023

Opp., to New Bus Stand,
Musiri, Trichy-621 211.

6.Satheesh,
C/o.Adhithya Builders,
S.V.Complex,
Opp. to New Bus Stand,
Musiri, Trichy-621 211.

... Respondents 2 to 6 /Respondents/Accused

PRAYER: Criminal Revision filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the order passed in Crl.M.P.No.1124/2021 in C.C.No.4 of 2015, dated 13.09.2021 on the file of the learned II-Additional District Judge(CBI Cases), Madurai and set aside the same as illegal.

For Petitioner : Mr.A.P.Palanivelraja

For Respondents : Mr.C.Muthu Saravanan
Special Public Prosecutor for CBI
for R1

ORDER

The petitioner is P.W.6 in C.C.No.4 of 2015 on the file of the learned II-Additional District Judge(CBI Cases), Madurai. He filed the Cr.M.P.No. 1124 of 2021 in C.C.No.4 of 2015 to return his sale deed dated 23.04.2013 and the same was marked as Ex.P5 in the said C.C.No.4 of 2015 and the same was dismissed by the trial Judge. Aggrieved over the same, the petitioner filed this criminal revision case.



Crl.R.C(MD)No.316 of 2023

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2. The allegation in the C.C.No.4 of 2015 is that the accused namely Bank official committed fraud in disbursing the loan amount including the petitioner's loan. So, the petitioner was examined as P.W-6 and his loan documents including the original sale deed dated 23.04.2013 is marked as Ex.P5 and he was also cross-examined.

3. After his cross-examination, he filed the petition to return the original sale deed which form part of Ex.P5 stating that he was already paid the entire due amount and the Bank also issued No Due Certificate as well as full settlement certificate. The same was dismissed by the learned trial Judge. Aggrieved over the same, he filed the petition to set aside the impugned order and directed to release the original sale deed.

4.The learned Additional Public Prosecutor also submitted that the petitioner has been examined and the sale deed claimed by the petitioner is form part of Ex.P5 and he also affirmed the stand of the petitioner that the petitioner also repaid the entire loan amount and No Due Certificate was also issued by the Bank authorities.



Crl.R.C(MD)No.316 of 2023

5.This Court has considered rival submissions made by both sides.

6. It is admitted by both parties that the petitioner borrowed loan from the State Bank of Trivancore, Trichy Branch and he also repaid the amount and the Bank authorities also issued No Due Certificate. Apart from that, he was also examined before the trial Court as P.W.6 and the entire loan document pertaining to the petitioner's loan was marked as Ex.P5. The petitioner after completion of his examination in C.C.No.4 of 2015, filed the application to return the original sale deed dated 23.04.2013 after submitting the certified copy.

7. In similar circumstances, this Court has considered the similar request like the petitioner and passed the following order in Crl.R.C.No.1267 of 2016:

“i) The respondent police is directed to return the original sale deeds seized from the petitioner and

(ii) The petitioner is directed not to alienate or encumber the properties till the disposal of the criminal case and the petitioner is directed to produce the above sale deeds as and when required by the respondent police and the Court below.”



Crl.R.C(MD)No.316 of 2023

7. This Court is inclined to follow the above ratio and also considering the above factual circumstances that the petitioner has repaid the entire amount and his examination was over, this criminal revision case is allowed by setting aside the order passed by the learned trial Judge in Crl.M.P.No. 1124 of 2021 in C.C.No.4 of 2015 with the following directions:

(i). The learned trial Judge is hereby directed to return the original sale deed dated 23.04.2013 to the petitioner within a period of one week from the date of production of this order copy.

(ii). The petitioner is directed not to alienate or encumber the properties till the disposal of the criminal case.

03.07.2023

Index :Yes/No

Internet :Yes/No

PJL

To

1. The II Additional District Judge for CBI Cases,
Madurai.
2. The Inspector of Police,
CBI, Chennai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C(MD)No.316 of 2023

K.K.RAMAKRISHNAN, J.

PJL

**Order made in
Crl.R.C(MD)No.316 of 2023**

03.07.2023