



Crl.R.C.No.500 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **20.03.2024**

CORAM :

**THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

**Crl.R.C.No.500 of 2024**

J.Jayanthi

... Petitioner

Vs.

The Inspector of Police,  
SPE/CBI/ACB,  
Chennai, III<sup>rd</sup> Floor,  
Shastri Bhavan,  
No.26, Haddows Road,  
Nungambakkam, Chennai - 600 006.

... Respondent

**PRAYER :** Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, pleaded to set aside the order dated 30.03.2023 passed in Crl.M.P.No.3318 of 2022 on the file of the XI Additional Special Court for CBI Cases, Chennai and to pass such further or other orders as this Court may deem fit and proper with the circumstances of this case.

For Petitioner : Mr.T.Gowthaman, Senior Advocate  
for M/s.P.Rajendran  
For Respondent : Mr.K.Srinivasan  
Special Public Prosecutor for CBI



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## **ORDER**

This Criminal Revision Case has been filed seeking to set aside the order passed by the learned XI Additional Special Judge for CBI Cases, Chennai, in Crl.M.P.No.3318 of 2022 in C.C.No.17 of 2021 dated 30.03.2023.

2. The case of the prosecution is that 12 named accused in the final report had conspired among themselves to cheat the Kancheepuram Central Co-operative Bank, Pallavaram Branch and thereupon, pledged fake/spurious gold jewels to avail jewel loan and put the bank into wrongful loss to have wrongful gain. The specific allegation against the petitioner, who is arrayed as A5 in this case is that the petitioner with the connivance of A1/T.Murthy, who was a jewel appraiser by profession, had dishonestly and fraudulently obtained two jewel loans from the Bank by pledging 40 grams of spurious gold on the first occasion dated 21.11.2009 and 30 grams of spurious gold on the second occasion dated 13.04.2010 and managed to get jewel loan sanction to the tune of Rs.42,000/- and Rs.31,000/- respectively. Thereby, the petitioner stands charged along with the other accused.



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3. The petitioner/A5 has filed an application in Crl.M.P.No.3318 of 2022 in C.C.No.17 of 2021 under Section 239 Cr.P.C. before the learned XI Additional Special Judge for CBI Cases, Chennai, seeking to discharge her in the case on the ground that she has been misled by the first accused. The trial Court on finding no merit in the application, had dismissed the same vide order dated 30.03.2023. Against which the present revision case has been filed.

4. Learned Senior Counsel appearing on behalf of the petitioner's counsel submitted that the petitioner, who is a private teacher, is an innocent person and a neighbour of A1. He further submitted that A1, who is a jewel appraiser by profession, by misusing the innocence of the petitioner, had taken her to the Bank and pledged spurious jewels without her knowledge and thereby, she has been unnecessarily fixed in this case. He further submitted that the proceeds of the transaction have also not been shared and even as per the prosecution, no material has been produced to show that the petitioner had conspired with the main accused and that she is a beneficiary of the proceeds of the crime out of the transaction. The trial Court without considering the same had dismissed the application.



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5. Learned Special Public Prosecutor for CBI submitted that the petitioner, who is arrayed A5 in this case, had colluded with the jewel appraiser/A1 and pledged the spurious jewels and caused loss to the Bank. He further submitted that the list witnesses LW4 to LW16, who are the Bank Officials, would speak about the presence of the accused along with A1 and having pledged spurious jewels and availed loan in her name. He also submitted that there are materials for framing charges against the petitioner and the trial Court finding that there are materials to frame charges, had dismissed the application filed by the petitioner under Section 239 Cr.P.C. Thereby, there is no infirmity, illegality or perversity in the order passed by the trial Court. Therefore, he opposed for allowing this revision.

6. At this juncture, the learned counsel for the petitioner submitted that though there are arguable materials available in this case, he is not pressing the present petition, however, he would submit that the petitioner is a senior citizen and thereby, would pray that her appearance before the trial Court may be dispensed with.



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7. Heard the learned Senior Counsel for the petitioner and the learned Special Public Prosecutor for CBI and perused the materials available on record.

8. Taking into consideration the submission made by the learned counsel appearing for the petitioner, this Criminal Original Petition stands dismissed as withdrawn. However, the presence of the petitioner before the trial Court is dispensed with, on condition that she shall be present before the trial Court for initial questioning, reply to charges and at the time of framing charges and questioning under Section 313 of Cr.P.C., and at the time of passing judgment and whenever insisted upon by the trial court.

9. The petitioner is further directed to give an undertaking in the form of an affidavit that she will be duly represented by a counsel on all hearing dates and that the Counsel representing her will cross examine the prosecution witnesses without delay. The petitioner shall appear before the Court in the event her presence is insisted by the trial Judge for the purpose of identification



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or progress in trial. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist for her appearance and deal with the petitioner in accordance with the judgment of Hon'ble Supreme Court of India, *in State of Uttar Pradesh Vs. Shambunath Singh*, reported in *2001 (4) SCC 667*.

**20.03.2024**

Index : Yes / No  
Speaking / Non-speaking  
Neutral Citation : Yes / No  
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To

1. The XI Additional Special Court for CBI Cases, Chennai.
2. The Inspector of Police,  
SPE/CBI/ACB,  
Chennai, III<sup>rd</sup> Floor,  
Shastri Bhavan,  
No.26, Haddows Road,  
Nungambakkam, Chennai - 600 006.
3. The Special Public Prosecutor for CBI,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA, J.**

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