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CRL.R.C.No.1623 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.11.2024

CORAM

MR.JUSTICE N.SESHASAYEE

Crl.R.C.No.1623 of 2024

H.Navya

... Petitioner

Vs.

State Rep. by Inspector of Police
Deputy Superintendent of Police
SPE/CBI/ACE
Sasthri Bhavan, Nungambakkam
Chennai 600 006
(R.C.No.45(A)/2015

... Respondent

Prayer: Revision Case filed under Section 438 r/w 442 of BNSS Act, 2023, seeking to set aside the order dated 21.06.2024 made in Crl.M.P.No.4014 of 2023 in C.C.No.9 of 2017 on the file of the learned XI Additional Special Judge for C.B.I Cases (C.B.I. Cases relating to Banks and Financial Institutions), Chennai and consequently direct the trial Court to send the documents for expert opinion.

For Petitioner : Mr.S.Anbalagan

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



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ORDER

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This Revision is filed challenging an order passed by the learned XI Additional Special Judge for C.B.I. cases in Crl.M.P.No.4014 of 2023 in C.C.No.9 of 2017. This petition was taken up by the petitioner for obtaining an expert opinion vis-a-vis the signatures found in her loan application which she admittedly had made to M/s.Oriental Bank of Commerce, Adyar Branch.

2.The quintessence of the prosecution case is that the bank had advanced a loan to A2, and with the connivance of the bank authorities A2 had transferred the funds to A3 for purposes other than for which it was advanced. It is also their further case that A3 is not eligible to avail loan under the head for which A2 had obtained. The investigation was complete and prosecution has laid its final report in which it has listed about 32 witnesses.

3.The trial Court framed necessary charges and has also commenced the trial. This Court is informed that PW1 is in the box. It is at this stage, the petitioner had taken out the present application for expert opinion.



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The contention of the petitioner is that the loan application contains several signatures, that she admits few of them but disputes the rest of them, and that P.W.1 has also spoken to what he considers as some variance in some of the signatures which the petitioner imputes. The trial Court, however, dismissed it, as it felt that obtaining an expert opinion on the disputed signatures of the present petitioner (A2) is not germane for defending the charges against her.

4.It is now under challenge.

5.Heard Both sides. While the learned counsel for the petitioner repeated the line of argument which he presented before the trial Court, the learned Prosecutor also did not deviate vastly from what his counterpart did there. This Court is satisfied that the trial Court's order is in order. The issue here is not whether a loan was sanctioned in the name of A2 on the basis of some forged loan application, but it is all about the appropriateness of deploying the funds so sanctioned for purposes other than the one for which it was sanctioned. An additional line of the case appears to be that, whether A2 was set up by A3 to get over his



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ineligibility to obtain loan. As stated earlier, defending the charges does not require any expert opinion vis-a-vis the signatures in the loan application.

6.This Court does not find merit. This Criminal Revision Case stands dismissed accordingly. This Court is given to understand that it has earlier granted leave to the petitioner to apply to the trial Court to obtain such necessary documents which may be necessary for her defence and the petitioner is required to focus more on it.

08.11.2024

kas

Index : Yes / No
Neutral Citation

To

1.The XI Additional Special Judge
for C.B.I Cases
(C.B.I. Cases relating to Banks and
Financial Institutions), Chennai



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2. The Inspector of Police
Deputy Superintendent of Police
SPE/CBI/ACE
Sasthri Bhavan, Nungambakkam
Chennai 600 006
(R.C.No.45(A)/2015

3. The Public Prosecutor
High Court of Madras
Chennai 600 104



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N.SESHASAYEE, J.

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