



Crl.R.C.No.522 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

Crl.R.C.No.522 of 2025
and Crl.M.P.Nos.7068 & 7070 of 2025

K.V.Harinath

...Petitioner

-Vs-

State Rep.by its
Inspector of Police
Central Bureau of Investigation
Banking Securities Fraud Branch
(Erstwhile Banking Securities & Fraud Cell)
No.36, 2nd Floor, Bellary Road, Ganganagar
Bangalore – 560 032.

... Respondent

Prayer: Criminal Revision Case filed under Section 438 & 442 of BNSS to set aside the order dated 21.02.2025 made in Crl.M.P.No.46269 of 2024 in C.C.No.11462 of 2022 on the file of the Court of Additional Chief Metropolitan Magistrate, Egmore, Chennai and pass such further or other orders.

For the petitioner : Mr.S.Ramachandran

For the respondent : Mr.K.Srinivasan
Special Public Prosecutor



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ORDER

WEB COPY This Criminal Revision Case is directed against the order made in Crl.M.P.No.46269 of 2024 in C.C.No.11462 of 2022 dated 21.02.2025 on the file of the Court of Additional Chief Metropolitan Magistrate, Egmore, Chennai. By the said order dated 21.02.2025, the petition filed by the petitioner herein to discharge him from the case was rejected by the Trial Court.

2. The petitioner has been arrayed as Accused No. 9. According to the prosecution, Accused No. 1 is a company, and the other accused, including the petitioner, are its office bearers and employees. It is alleged that they entered into a criminal conspiracy, fabricated false documents, and obtained a loan from the bank by misrepresenting facts. The accused are further alleged to have cheated the bank by availing the loan without providing genuine primary security or conducting any actual business, resulting in the loan amount remaining unpaid. As far as the petitioner is concerned, the allegation against him in the final report that was filed by the prosecution is that, he was the General Manager at the relevant point of time and signed some of the documents which is both Foreign Letter of Guarantee and Inland Letters of



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Credits, which according to the prosecution is fabricated.

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3. The learned counsel appearing on behalf of the petitioner would submit that except the bald statement that is made in paragraph No.9 and 29 of the final report, there are absolutely no materials to proceed against this petitioner. He would submit that the petitioner was only an employee, even as per the prosecution's case and he is not the beneficiary in the entire episode. When the petitioner is only an employee, he should have atbest be cited as a witness. Further, except producing some of the documents in which the petitioner's signature alone contained, nobody has spoken about any role of the petitioner and there is no other evidence that he had forged or created any documents.

4. *Per contra*, Mr.K.Srinivasan, the learned Special Public Prosecutor taking this Court through the order impugned in this Revision would submit that there are three sets of allegations against this petitioner. More importantly, he would point out the Inland Letters of Credit documents that are submitted by the Company. It is the allegation of the prosecution that the petitioner had only signed those Inland Letters of Credit and produced before

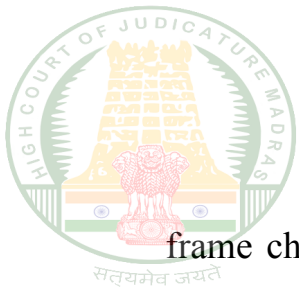


the Bank. After availing the Credit, it is the case of the prosecution that the entire goods were again re-routed and once again, the resultant funds were diverted.

5. It is the further allegation that even the receivable statement is prepared only by this petitioner and when the monthly receivable was only Rs.26,52,95,427/-, this petitioner has prepared the receivable statement as if it was more than Rs.600 Crores and accordingly the drawing power was considerably increased, based on the said false representation, the loan was disbursed and then diverted and now the Bank was cheated.

6. I have considered the rival submissions made on either side and perused the material records of the case.

7. When the case of the prosecution rests on documentary evidence and the prosecution has cited witnesses to speak about those documents, the mere fact that the statements recorded under Section 161 Cr.P.C. do not contain detailed averments cannot, by itself, be a ground to discharge the petitioner. The petitioner can be discharged only if there is no material whatsoever to



frame charges. Without delving into the various arguments advanced by the learned counsel for the petitioner, including the contention that the petitioner was merely an employee and lacked any dishonest intention, which are matters to be established during trial, at this stage, I am unable to conclude that there is no material at all to frame charges against the petitioner. Accordingly, the Trial Court was right in dismissing the discharge application.

8. Therefore, finding no merits, this Criminal Revision Case is dismissed, with liberty to the petitioner to raise all the grounds which are raised before this Court, during the course of trial.

9. At this stage, learned counsel for the petitioner seeks exemption from the personal appearance of the petitioner.

10. Considering the overall facts and circumstances of the case, the personal appearance of the petitioner before the Trial Court is dispensed with for all hearings, except those which are essential in nature, such as framing of charge, recording of statement under Section 313 CrPC, and any other hearing where the presence of the petitioner is specifically required by the Trial Court.



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For all other routine hearings, the petitioner may be represented through

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counsel. Consequently, the connected miscellaneous petition stands closed.

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Neutral Citation : Yes/No

To

1. The Additional Chief Metropolitan Magistrate
Egmore, Chennai.

2. The Inspector of Police
Central Bureau of Investigation
Banking Securities Fraud Branch
(Erstwhile Banking Securities & Fraud Cell)
No.36, 2nd Floor, Bellary Road, Ganganagar
Bangalore – 560 032.

3. The Public Prosecutor
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY. J,

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