



Crl.O.P.No.14181 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.14181 of 2025
and Crl.M.P.Nos.9632 and 9636 of 2022

Paul D. Prabhakar

.. Petitioner

Versus

1. State rep. by,
The Inspector of Police,
SPE: CBI: ACB/ Chennai.
(R.C. MAI 2014 A0049)

2. Y.Satyanarayan

.. Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS to call for the records in C.C.No.40 of 2015 pending trial on the file of the learned XI Add. Spl. Judge for CBI cases, Chennai and quash the same.

For Petitioners : Mr.R.C.Paul Kanagaraj

For Respondents : Mr.K.Srinivasan,
Public Prosecutor (CBI Cases)



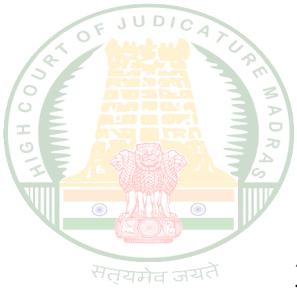
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ORDER

This Criminal Original Petition is filed by the petitioner, who is accused No.1 in C.C.No.40 of 2015, on the file of the learned XI Additional Special Judge for CBI Cases in Chennai, with a prayer to call for the records in C.C.No.40 of 2015 pending trial on the file of the learned XI Additional Special Judge for CBI Cases in Chennai.

2. *Mr.R.C.Paul Kanagaraj*, learned Counsel for the petitioner, would submit that upon reviewing the entire records of the case, there is no iota of material placed along with the Final Report regarding the offences under the Prevention of Corruption Act, 1988. The allegations made solely pertain to departmental misconduct and there is no evidence to substantiate any criminal misconduct. He further submits that when proceedings are initiated under the SARFAESI Act and dues are being realized by the bank, even the offence under Section 420 of I.P.C. is not made out.



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3. Per *contra*, Mr.K.Srinivasan, learned Public Prosecutor (CBI cases)

for the first respondent, would submit that if an opportunity is given, a detailed counter-affidavit will be filed placing the materials on record. In any event, he would submit that a discharge application is reportedly filed and was dismissed, and the case is now posted for the framing of charges today.

4. I have considered the rival submissions made on both sides and reviewed the relevant case records.

5. Though arguments are made with reference to the specific offences, it cannot be said that none of the offences mentioned in the Final Report are made out at all when allegations claim that the petitioner, as the Manager of the Bank, was instrumental in sanctioning the loan above his permissible limit without verifying the documents submitted by the borrower. If the learned Counsel for the petitioner argues that the particular offence under the



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Prevention of Corruption Act, 1988 is not made out, the petitioner may raise those grounds at the time of framing charges before the Trial Court and a quash petition cannot be entertained on arguments that some of the offences are not made out and can be entertained if the entire final report is to be quashed. At this juncture, it is stated that a discharge application has already been filed and dismissed. Regarding arguments not presented or considered in the discharge application, the petitioner may make those arguments before the Trial Court at the time of framing of charges within the four corners of the enquiry that is to be made at the time of framing of charges.

6. Considering the petitioner's age, his presence before the trial court is dispensed with, except for necessary hearings, such as framing of charges and questioning the accused, where his presence is essential, and whenever the Trial Court insists on the accused's presence.

7. This Criminal Original Petition is disposed of accordingly.



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Consequently, connected miscellaneous petitions are closed.

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Neutral Citation: no

grs

To

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



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D.BHARATHA CHAKRAVARTHY, J.

grs

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