IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 17.04.2025

PRONOUNCED ON : 13.10.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.Nos.1397, 1386 and 1394 of 2024
and
Crl.M.P.Nos.11799, 11801, 11744, 11745, 11796 and 11797 of 2024

Dhara Prasad ... Petitioner/A1 in all Crl.R.Cs.

Versus

State Represented by
The Superintendent of Police,
CBI, ACB, Chennai. ... Respondent in all Crl.R.Cs.

COMMON PRAYER : Criminal Revision Cases filed under Sections 438 and 442 of BNSS, 2023, praying to set aside the order dated 31.07.2024 passed by the IX Additional Special Judge for CBI Cases, Chennai in Crl.M.P.Nos.8430, 9190 and 9984 and of 2022, respectively, in C.C.Nos.8, 10 and 11 of 2022, respectively, and consequently, discharge the petitioner/accused from all offences charged in the final report in C.C.Nos.8, 10 and 11 of 2022, respectively, pending before the IX Additional Special Judge for CBI Cases, Chennai.

For Petitioner in all Crl.R.Cs. : Mr.Rahul M. Shankhar

For Respondent in all Crl.R.Cs.	:	Mr.K.Srinivasan Special Public Prosecutor (CBI Cases)

COMMON ORDER

The petitioner/A1 in C.C.Nos.8, 10 and 11 of 2022 had filed a discharge petition before the trial Court in Crl.M.P.Nos.8430, 9190 and 9984 and of 2022, respectively, which were dismissed by the trial Court on 31.07.2024, against which, the present revisions are filed.

2.The gist of the prosecution case is that the respondent registered a case in RC MA No.1/2020/A 0001 on 03.02.2020 based on a complaint lodged by the General Manager, Bharat Electronics Limited (BEL), Nandambakkam, Chennai. The complaint was that A1/Assistant Manager (Finance) in BEL, Chennai committed fraud by creating fictitious documents and indulged in activities of manipulating, recording of wrong information in computer systems to mislead reporting authorities and transfer of BEL's funds to four vendors, namely, A4 to A7 and two BEL, Chennai employee A2 and A3 during his tenure at BEL, Chennai between December, 2013 and July, 2019 and misappropriated, cheated and caused loss to the Public Sector Enterprises to the tune of Rs.9,69,55,450/- approximately. The case was registered under Sections 120-B, 420 and 409 of I.P.C. and Sections 13(2) r/w 13(1)(a) of P.C. Act, 1988 (as amended in 2018) against 7 persons. Thereafter during investigation it was found that three distinct transactions had taken place among the accused. Hence, three charge sheets filed in this case, namely, C.C.Nos.8, 10 and 11 of 2022.

Crl.R.C.No.1397 of 2024

3.(i) As regards the case in C.C.No.8 of 2022, there are three accused, all are public servants, namely, the petitioner/A1 - Dhara Prasad, Assistant Manager, Finance, M/s.BEL, Chennai, A2 – P.Lingasamy, Deputy Manager (D & E), BEL, Chennai and A3 – Venkata Phaniendra, Deputy Manager (D & E), BEL, Chennai.

(ii) BEL is a Central Public Sector Enterprise under the administrative control of the Ministry of Defence having its Corporate office at Bangalore and manufacturing units in nine locations across the country. One of the manufacturing unit is at Nandambakkam. BEL meets the specialised electronic needs of Indian Defence Services by offering products and services in a wide spectrum of technology like Radars, Military Communications, Naval Systems, Electronic Welfare Systems, Telecommunications, Sound and Vision Broadcasting, Opto-Electronics, Solar Photovoltaic Systems, Embedded Software and Electronic Components.

(iii) The procurement procedure for reimbursement of expenses to staff in BEL, Chennai is, for the purpose to trials, training and testing and for customer visits, teams incur some expenses. The employee has to mention particulars of the request with supporting documents. Indenting department of the employee will put up the file through SAP through their head to Finance Department. The Finance department then forwards the file after putting remarks to the General Manager for approval based on his powers for contingencies and miscellaneous sanction. After the approval from GM, the file comes back to the Finance Department, where Sanction Number is generated. The Finance Department will generate the internal order number from the sanction number and the file is forwarded to the Indenter with internal order number and sanction number. The employee is required to quote the Sanction number and the internal order number on the reimbursement application and it has to be forwarded by an officer of not below the rank of Deputy General Manager (DGM) of that department, based on which the payment is released after generating Debit Advice Slip from SAP (System Application and Product). The Payment Advice/Debit Advice Slip has to be authorized by the officer in-charge. The monetary limit for the authorization of the Payment Advice/ Debit Advice Slip (DAS) was fixed at Rs. 10,00,000/- for Single Finance Officer Authorization in BEL, Chennai.

(iv) But this facility was misused, forged entries made and the accused A1 to A3 in this case entered into a criminal Conspiracy by creating fictitious documents, without any sanctions/approvals from the authorities, without any Invoice/valid document authorized the Payment Advice/ Debit Advice Slips and made payments to the tune of Rs.57.47 lakhs to the account of P. Lingasamy/A2 and Rs.22.31 Lakhs to the account of Venkata Phaniendra/A3 on various dates. Scrutiny of the Central Bank of India, Nandambakkam Branch Account in the name of A2 and A3 revealed that subsequent to the fraudulent payment to them by A1 from BEL, Chennai, they credited some amount to A1 in parts through Google pay. It was also found that there is no sanction for these payments, a fictitious/dummy sanction numbers generated in the computer system by the petitioner to release payments to A2 and A3. In some cases, even without mentioning any sanction number, the amounts credited. Thus, these things were confirmed from the bank statement and the statements collected from the system and other software used in the BEL. In this case, investigation completed, sanction obtained under Section 19(1)(c) of Prevention of Corruption Act, thereafter charge sheet filed listing 15 witnesses and 29 documents.

4. The contention of the learned counsel for petitioner is that the petitioner joined BEL, Chennai as Probationary Accounts Officer on 04.12.2013 and subsequently got promoted as Assistant Manager, Finance and Accounts. The petitioner continued to be posted in Chennai unit until 08.07.2019. Thereafter he was transferred to BEL, Hyderabad on his personal request. The allegation that the petitioner approved miscellaneous reimbursement bills which were raised by A2 and A3 without they incurring any expenditure is false. The respondent on an improper investigation is making such allegations. The petitioner being an officer in the grass root level practically cannot sanction huge sums of money as alleged in the charge sheet without the approval of his higher officials. The petitioner comes under the supervision of DGM, Finance, under whose instructions, the petitioner credited the amounts. If at all, there were any mistake or fraud, it has to be by the DGM, Finance and not by the petitioner. The petitioner followed the instructions of his commanding officers who reaped undue benefits at the

cost of BEL, Chennai and now the petitioner has been made as a scapegoat and due to which he was suspended.

5. He further submitted that the respondent not conducted proper and fair investigation and they had gone by pick and choose method in framing the accused. The respondent strapped the petitioner with conspiracy with the other accused only for the reason that the petitioner and other accused used to have a lunch together and they were friendly. Working in an organisation it is common, acquaintance taking lunch together and being friendly. The respondent attributing motive to it, cannot be accepted. The respondent admits that sanction number can be generated only after the application is approved by GM, thereafter, an internal order number will be generated and sent back to the indenter department for the employee to make application for reimbursement. Therefore, the application made by A2 and A3 ought to have been within the knowledge of GM, Finance and their respective department heads. The respondent not investigated and arrayed the respective department

heads as accused in the present case even though they played a pivotal role in the above transaction.

6. He further submitted that the trial Court failed to consider that respondent not collected any audit objections from the internal audit, external audit or the statutory audit. None of the audit raised any objection for the transactions. In such circumstances, attributing motive, for the transaction and claiming it to be fraud is not sustainable. The offence under Section 409 of I.P.C. will not be attracted in this case, since the petitioner is not entrusted with any dominion over the property/money. It is the higher official, namely, DGM Finance. The only reason attributed against the petitioner is, it is projected that an amount of Rs.4.66 lakhs given to the petitioner as reward for approving fraudulent reimbursement bills but it is not supported with any statement or documents. The trial Court failed to consider the Hon'ble Apex Court judgments relied on by the petitioner in the cases of *Zile Singh vs. State of Haryana*, reported in *(2004) 8 SCC 1* and *T.Barai vs. Henry A.H.*

Hoe and another reported in *(1983) 1 SCC 177* and no finding had been given for what reason the same is not applicable to the case on hand. He further submitted that in this case one F.I.R. filed against the petitioner and other accused but it has been compartmentalised and three charge sheets filed and the petitioner has been arrayed as A1 in all three cases to project as though the petitioner is the prime accused causing great prejudice. The trial Court not considered these aspects but mechanically dismissed the same.

7. The learned Special Public Prosecutor filed his counter submitting that on the complaint of General Manager, BEL, a case in RC 01/2020 registered against the petitioner and 6 others. During the period from 2013 to 2019, the petitioner along with other accused caused a wrongful loss to the tune of Rs.9,69,55,450/- approx. During investigation it was found that three distinct instance have taken place and hence three charge sheets filed against the petitioner and other accused. In the present case all the three accused are public servants. The petitioner's contention that he just followed the

instructions of commanding officer, who reaped all the benefits and later made him as scapegoat to save themselves is false. During investigation it was found that the petitioner created and authorised Payment Advice Slips of A2 and A3, which was submitted in Document LD20. From this document it is seen that mandatory Sanction number in some cases is missing and fake sanction number on the remaining Payment Advice Slips found. The same is proved by LW5/K.Kumaresan. Thus it is proved that the petitioner had created payment advice slips without proper sanction and authority. Further it was found that the petitioner ignored the procedure for making reimbursement claim and paid the same to A2 and A3. The amount of Rs.57.47 Lakhs received by A2 in his bank account, which is proved by LD15 and Rs.22.31 Lakhs received by A3 in his bank account and the same was proved by LD16. Both maintained with Central bank of India, Nandambakkam Branch. LW9/Sumesh M B confirms the same. After the credits to their account, A2 and A3 shared the money with A1 in his bank account maintained with Central Bank of India, which was proved by LD14 and another bank account maintained with HDFC Bank, Nandambakkam branch, which was proved by LD18.

8. It is also came to light that the petitioner created and authorised Payment Advice Slips of A2 and A3 without the mandatory Sanction number in some cases and by using fake sanction number on the remaining Payment Advice Slips. The misdeeds of the petitioner came to light during the Internal Audit conducted in December 2019, the Audit report is LD8. After thorough internal verification and scrutiny complaint lodged. During the complaint documents collected, statement of witnesses recorded, all pointing the petitioner and other accused in misappropriating and cheating the funds of BEL and thereby causing huge loss to BEL and enriched themselves correspondingly. The petitioner received Rs.37,20,258/- from A2 and Rs.3,33,800/- from A3 into his bank account maintained with Central Bank of India, Nandambakkam branch and LD14 and LW9 confirms the same. After conclusion of investigation, statement of witnesses and documents collected,

charge sheet submitted to the sanctioning authority, namely, LW2/Director, BEL, who on perusal of the materials, independent application of mind granted sanction. In this case, after obtaining sanction, charge sheet filed before the trial Court. The petitioner's contention are factual and further the petitioner is also facing charge of conspiracy. This Court as well as the Hon'ble Apex Court had time and again held that at the stage of charge framing the requirement is to find out whether there are materials to proceed against the accused and not to see whether the case would end in conviction. The trial Court following this principle, finding materials against the petitioner had rightly dismissed the petition.

Crl.R.C.1386 of 2024

9.(i) As regards the case in C.C.No.10 of 2022, there are three accused, namely, the petitioner/A1 - Dhara Prasad (Public Servant), Assistant Manager, Finance, BEL, Chennai. A4 – D.Chandran (Private Person), Proprietor of M/s.Micro Machine Tools (MMT) and A8 – K.Arun Kumar

(Private Person), Contract Labour in BEL, Chennai.

(ii) The procurement procedure in BEL is, BEL outsources Products & Services requirements on need basis from different categories of business partners viz., PSUs Private Firms, MSMEs, Foreign Companies and Government Organizations. The outsourcing is governed by the procedures, viz., (i) Purchase Procedure, (ii) Sub-Contract Procedure and (iii) Work Contracts Procedure. As per the clause 3.0 of the Sub-Contract Procedure, 2017, manufacturing service facility can be outsourced by the BEL through sub contract to the outside agencies. Letter Orders are forwarded to the concerned vendor with a copy to the Accounts Department quoting the Work Breakdown Structure (WBS)/Internal order reference. The vendor shall supply the material along with a copy of the letter order and bill and the satisfactory receipt of goods shall be certified by the Indenter. The certified invoice is forwarded to Bills and the same is certified by Security for inward entry by affixing BEL, Security seal on the Delivery Challan. If the material is received as a courier, parcel etc. the same needs to be endorsed by Security for Inward entry.

(iii) The Investigation revealed that based on the documents received from the stores/indenting department, Finance will book the liability and payment voucher (Debit Advice Slip (DAS)) will be prepared. DAS Slip will be authorized by the officer in-charge, who in this case was the petitioner/A1. A consolidated statement will be prepared by Bills payable department and the same will be authorized by two officers as per instructions of Director (Finance), BEL. The duty of each signatory is not specified anywhere. It is a practice in BEL, Chennai that the Officer in-charge, who authorizes the DAS slip, is responsible to check whether the total value of the Invoices matches with the DAS value. The other signatory to the consolidated statement is responsible to check if the DAS value matches with the value mentioned in the consolidated statement of the vendor. The monetary limit for the authorization of the Payment Advice/Debit Advice Slip (DAS) was fixed at

Rs.10,00,000/- for Single Finance Officer Authorization in BEL, Chennai.

(iv) M/s.Micro Machine Tools (MMT)/A4 was the vendor to BEL, Chennai and provided materials like nuts, bolts, spacers, brackets, etc. The letter orders along with invoices and delivery challans are then forwarded to the Finance Department from Sub Contract Department, wherein the payment is made to the vendors. A4 in this case met A1 with regard to delay in payments for the orders provided by him to BEL, Chennai. During this time, A4 and the petitioner/A1 connived with each other and entered into a criminal conspiracy to defraud BEL, Chennai by making payments over and above the value of the invoices submitted by M/s.MMT. The investigation further revealed that debit slips for all these excess payments were generated by the petitioner/A1. Payments made to A4 without any invoice and additional payments made without any invoice along with the existing invoices. Payments made by raising 5 invoices for single supply by inserting the word "etc." Thus there is excess amount of Rs.8,56,86,985/- made.

10. The contention of the petitioner is that the vendor claiming payment will have to do the same through an officer not below the rank of DGM. Without such authority to back the payment, the petitioner would not be in a position to sanction such huge amounts. The approval from the superior officer will have to be complied and the same has to be checked by two officers before payment is released. The petitioner has been targeted in this case and no other officer from the BEL questioned or made liable. When it is clear that for clearing bills, two officers to sign, who is the other officers but it was not specified anywhere in the charge sheet. When the petitioner is said to have authorised payment over and above the invoice value, then the second signatory ought to have held equal responsibility. The table presented in the charge sheet showing payments made to M/s.Micro Machine Tools. The payment for certain transactions made by the second signatory and not by the first signatory. The petitioner has to merely check if the Debit Advice Slip (DAS) matches with the consolidated statement and it is the first

authorised signatory duty to check if invoice value and DAS amounts are matching. In such case, why such authority acted as first signatory are not questioned.

11. There is no iota of materials to show that there was any conspiracy by the petitioner along with the other accused. Likewise, the petitioner is not the officer, who has got dominion over the funds of BEL. Hence, there is no entrustment to the petitioner. In this case there is no material to show that the petitioner demanded and obtained illegal gratification. He further submitted that Section 13 of the PC Act, 1988, by the Amendment Act of 2018 (Act 16 of 2018) has been substituted. When such a case, invoking and charging the petitioner under Sections 13(2) r/w 13(1)(c) and 13(1)(d) of the PC Act, 1988 is wholly malafide. In this case, no internal audit, external audit, concurrent audit and statutory audit conducted to show that misappropriation committed violating the established procedure. In this case, the senior officials of BEL have been conveniently left out from the investigation for the reasons best

known. The trial Court failed to consider the Hon'ble Apex Court judgments relied on by the petitioner in the cases of *Zile Singh vs. State of Haryana*, reported in *(2004) 8 SCC 1* and *T.Barai vs. Henry A.H. Hoe and another* reported in *(1983) 1 SCC 177* and no finding had been given for what reason the same is not applicable to the case on hand.

12. The learned Special Public Prosecutor filed his counter submitting that on the complaint of General Manager, BEL, a case in RC 01/2020 registered on 03.02.2020 against the petitioner and 6 others. The investigation established that the petitioner paid excess amount of Rs.8,56,96,985/- which was received in the bank account in the name of M/s.Micro Machines Tools Proprietor (A4) maintained in IOB bank, which is proved by LD107 and LW15, in turn, the petitioner received money in his bank account (LD134) and the bank accounts of his family and friends (LD142, LD146, LD150, LD162) from A4, which was confirmed by the bank officials LW16, LW17, LW18, LW20, LW21, LW22 and LW23. In this case 187 documents collected

and 32 witnesses statement recorded confirming the petitioner diverting funds of BEL through A4 and enriched himself and misappropriated the funds of BEL.

Crl.R.C.No.1394 of 2024

13.(i) As regards the case in C.C.No.11 of 2022, there are seven accused, namely, the petitioner/A1 - Dhara Prasad, Assistant Manager, Finance, M/s.BEL, Chennai, A2 – P.Lingasamy, Deputy Manager (D & E), M/s.BEL, Chennai, A3 – Vigneshwaran, Proprietor of M/s.Aimer Electronics Solutions, A4 – M/s.Eldaas Technologies Private Limited, A5 – Suneel Kumar, Director of M/s.Eldaas Technologies Private Limited, A6 – M/s.Naanal Technologies Private Limited and A7 – Sivakumar, Manager of M/s.Naanal Technologies Private Limited.

(ii) The procurement procedure in BEL is, BEL outsources Products & Services requirements on need basis from different categories of business partners viz., PSUs Private Firms, MSMEs, Foreign Companies and Government Organizations. The outsourcing is governed by the procedures, viz., (i) Purchase Procedure, (ii) Sub-Contract Procedure and (iii) Work Contracts Procedure. As per the clause 3.0 of the Sub-Contract Procedure, 2017, manufacturing service facility can be outsourced by the BEL through sub contract to the outside agencies. Letter Orders are forwarded to the concerned vendor with a copy to the Accounts Department quoting the Work Breakdown Structure (WBS)/Internal order reference. The vendor shall supply the material along with a copy of the letter order and bill and the satisfactory receipt of goods shall be certified by the Indenter. The certified invoice is forwarded to Bills and the same is certified by Security for inward entry by affixing BEL, Security seal on the Delivery Challan. If the material is received as a courier, parcel etc. the same needs to be endorsed by Security for Inward entry. The Investigation further reveals that based on the documents received from the stores/indenting department, Finance will book the liability and payment voucher (Debit Advice Slip (DAS)) will be prepared. DAS Slip will be authorized by the officer in-charge, who in this case was the petitioner/A1.

(iii) A consolidated statement will be prepared by Bills payable department and the same will be authorized by two officers as per instructions of Director (Finance), BEL. The duty of each signatory is not specified anywhere. It is a practice in BEL, Chennai that the Officer in Charge, who authorizes the DAS slip, is responsible to check whether the total value of the Invoices matches with the DAS value. The other signatory to the consolidated statement is responsible to check if the DAS value matches with the value mentioned in the consolidated statement of the vendor. The monetary limit for the authorization of the Payment Advice/Debit Advice Slip (DAS) was fixed at Rs.10,00,000/- for Single Finance Officer Authorization in BEL, Chennai.

(iv) M/s.BEL, Chennai purchases goods and services from the registered vendors. The Sub Contract Department of the M/s BEL places orders to the vendors based on the request made by other departments. In most of the occasions, requests were made orally to the Sub Contract

Department who in turn place the orders to the vendors over phone. Since most of the items are required on urgent basis, such practice was followed over a period of time. The vendors deliver the goods along with delivery challan and invoice. At the entry gate the security affix the seal of M/s.BEL on the delivery challan and the good delivered to the Sub Contract Department. The Sub Contract Department in turn verify the invoice with the goods and issue letter order addressed to the vendors. The letter order along with other documents and goods were sent to the Production Department who after verification write on the letter order "accepted" and return the documents back to the Sub Contract Department. The Production Department send the goods to the indented department and it was used. The Sub Contract Department send the documents again to the Finance Department for payment. Before sending the documents, the Sub Contract Department prepare excel sheet document containing details of the invoice, delivery challan and corresponding letter order. After the documents reaches the Finance Department, they give acknowledgement receipt of the document in the excel sheet document and send the acknowledge back to the production department. In the finance department entries were made in the SAP application detailing the documents and amount of the purchase. Based on this debit slip consolidating multiple letter orders pertaining to particular vendor was generated in the SAP application and the printout was taken by the Finance Department. The debit slip is authorized by the officials of the Finance Department (petitioner herein). After the debit slip, remittance request would be made to the bank for payment to the vendor which is prepared by the Finance Department and as per the existing guidelines of M/S BEL, if the amount is more than Rs. 2 lakhs, any Manager level officer of the nominated department should counter sign the remittance request. Then the remittance request is sent to the bank and payment was made to the vendors.

(v) In this case, A2 – P.Lingasamy, Deputy Manager (D & E) place the requirements of his section to A3. T.Vigneshwaran (A3), Proprietor of M/s.Aimer Electronics Solutions is a vendor and provided service in PCB designing and electronics services to M/s.BEL Chennai. A3 with fraudulent intention to cheat M/s.BEL, prepared 5 invoices in the name of supply of software and submitted to BEL without receiving letter order or purchase order from BEL. The petitioner/A1 prepared payment advice slips from his login ID and authorised the same for making payments to A5 in respect of its invoices on various dates to the tune of Rs.6,43,053.30.

(vi) A4-M/s.Eldaas Tech Pvt. Ltd. represented by its Director Suneel Kumar/A5, who prepared invoices and sent the same to A1. A1 after obtaining the invoice prepared Debit Advice Slip for both the invoices from his login ID and debited an amount of RS.2,63,140/-. After this payment was made, M/s.Eldaas Tech Pvt. Ltd. Deposited an amount of Rs.99,754/- in the account of Shri Kompally Srinu, the Driver of A1. A6-M/s.Naanal Technology Private Limited represented by its Manager, Sivakumar/A7, who submitted five invoices and A1 prepared Payment Advice Slips from his login ID and with fraudulent intention authorised the payments to the tune of

Rs.6,50,180/-. The BEL found this fraudulent payment and issued notice to all the three accused firms. In response, M/s.Aimer Electronics Solutions, repaid the amount of Rs.6,43,130/- and M/s.Eldaas Technologies Pvt. Ltd. repaid the amount of Rs.2,63,140/- but M/s.Naanal Tech. Pvt. Ltd./A6 not repaid the amount of Rs.6,50,180/-. Thus it has been confirmed that petitioner had fraudulently transferred, authorised payment on the invoices without following the procedure and without verification as to whether the materials supplied or not and made the payments.

14. The contention of the learned counsel for petitioner is that it is projected as though the petitioner in conspiracy with A2, had obtained invoice, prepared Payment Advice Slips/ Debit Advice Slips and cleared bills on various dates to A3 to A7 without receiving any products or services from them, thereby leading to substantial loss to M/s BEL. The petitioner has been made as an accused on account of improper investigation conducted by the respondent. The petitioner being an officer in the grass root level practically

cannot sanction huge amounts of money as alleged in the Charge Sheet without the approval of his higher official. The petitioner comes under the supervision of the DGM (Deputy General Manager), Finance under whose instructions the alleged fraud has taken place. The petitioner was merely following the instructions of his commanding officers, who have reaped undue benefits at the cost of BEL, Chennai. The respondent failed to consider that the vendor claiming payment will have to do the same through an officer not below the rank of DGM. Without such authority to back the payment, the petitioner cannot sanction such huge amounts. However, those officers are conveniently left out and petitioner being targeted. The petitioner being the employee only followed his superior's direction in carrying out his job and he has been made as a scape goat.

15. It is established procedure that only after approval from superior officers, a debit advice slip will have to be generated and the same ought to be cross checked by two officers and these officers are superior officers to the

petitioner and the petitioner has to verify with the invoices, credences of invoices and thereafter authorise the payment. The first signatory ought to check, if the DAS value matches with the invoice value and the second signatory ought to check if the DAS value matches with the consolidated statement. The consolidated statement filed along with the charge sheet contains details of purchase orders, sub-contract orders, payrolls, miscellaneous payments etc. When the consolidated statement contains details of purchase orders, the same ought to have been checked by the second signatory prior to authorising final payments. Conveniently, all the second signatories, who played an equal role in the present payment have been left out.

16. The respondent failed to consider that approval amounts above Rs.2 lakhs per bill will have to be necessarily counter signed by an officer of managerial level and the petitioner is only a supporting officer. In this case certain invoices and Debit Advice Slips referred in the Charge Sheet not

produced. Only these documents would show whether the officers counter signed and authorised the transaction. The allegations against the petitioner under Section 120-B of IPC is unsubstantiated by corroborating evidence. The only allegation is that LW44 has received some money, who alleged to be a driver of the petitioner. This fact not proved by any materials or documents. The respondent invoking and charging the petitioner under Sections 7, 13(2) r/w 13(1)(c) and 13(1)(d) of the PC Act, 1988 is not sustainable, since the alleged occurrence said to have been committed prior to the amendment of PC Act (Amended Act No.16 of 2018).

17. The learned Special Public Prosecutor filed his counter submitting that on the complaint of General Manager, BEL, a case in RC 01/2020 registered against the petitioner and 6 others. During the period from 2013 to 2019, the petitioner along with other accused caused a wrongful loss to the tune of Rs.9,69,55,450/- approx. After completion of the investigation, three separate charge sheets filed against the petitioner and other public servants

and private persons. The petitioner and A2 are the public servants and others are private persons, who are the approved suppliers to BEL, Chennai. During investigation it was found that the petitioner made payments over and excess of the Letter order and Invoice values to M/s.Eldaas Technologies Private Ltd., M/s. Naanal Technologies Private Ltd and to M/s. Aimer Electronic Solutions intentionally and received money subsequent to the payments made to them. Further the debit slips for all these excess payments were generated by the petitioner. This would clearly establish the complexity of the petitioner with other accused as a pay back arrangement. Further the statement of witnesses and bank witnesses confirm the active connivance of petitioner with the other accused. A2 played an active role in this regard.

18. A5, sole Proprietor of M/s. Aimer Electronic Solution prepared fictitious invoice bills and fraudulently make payment to the fictitious invoice bills. In total, 5 invoices submitted by the said firm against which BEL made payments totalling to Rs.6,43,130/-, which is confirmed by LD105 and

LW25, LW8 and LW9. There was no such delivery, which is confirmed by LD34, LW5 and LW7. The payment received is confirmed by LD7 and LW33 and payment made through Google Pay has been confirmed by LD32 and LD60. This transaction is proved by LW36 and LW35. Likewise, M/s.Naanal Technologies Pvt Ltd represented by Shri Sivakumar (A6) submitted five invoices during June, 2019 and LD104 confirms the claim of Rs.6,50,180/-. LW25, LW8 and LW9 and gate entry pass/LD34 of BEL confirm the same. The bank statement/LD15, LW26 also confirms the same. Likewise in M/s.Eldaas Technologies Pvt Ltd., two invoices (LD106) claiming Rs.2,63,140/- without supplying any material/software raised. The investigation revealed that the supply against the said invoices not made and the record shows no such delivery, LD34 confirms the same. The other documents and evidence, viz., LD43, LW34, LD96 and LW29 confirm the complexity of these accused with petitioner/A1. Thus materials collected, statement of witnesses recorded to confirm the active connivance and fraudulent transaction and transfer of BEL funds for the fictitious supply. On completion of investigation, charge sheet filed listing LW1 to LW35 and LD1 to LD101 and M.O.1 produced.

19. Heard the submissions made on either side and perused the materials available on record.

20. As far as C.C.No.8 of 2024 is concerned, the petitioner/A1 along with A2 and A3 is said to have misappropriated and cheated the funds of its organisation BEL. The statement of witnesses and materials collected confirm that there were diversion and transfer of funds. It is found that in some cases, the sanction number generated is false and in some other cases there is no sanction number and the petitioner without Debit Advice Slips, sanction number authorised and released payment to A2 and A3. This amount transferred in the salary account confirming that the funds of BEL transferred to the account of A2 and A3. Thereafter from the account of A2 and A3 further transfer made to the account of A1 in his salary account as well as in

other account maintained with HDFC bank. The prosecution examined witnesses and collected documents and by way of tabulation listed out 67 instances for transfer of fraudulent payments made to A2 to the tune of Rs.57,47,515/-.

21. From the tabulation it is seen that the payments were authorised by the petitioner/A1 and in most of the cases the first signatory is the petitioner. The second signatory is the other officer. Though the petitioner claims that the second signatory ought to have verified the other details like invoice, product delivery challan number or advance payment details, these are matter of fact. Likewise, there are 25 instances of fraudulent payment made to A3. In this case also similar offences committed. The contention of the petitioner is that it is the Deputy General Manager, who has to generate the invoice number and thereafter only the Indent officer can create, make a claim to the accounts department. These are all procedures. The case itself is that these procedures not followed, violated and manipulation made in the system

application and products, which was under the control of the petitioner. It is seen that the prosecution produced enough materials to frame charges and proceed against the petitioner. At this stage, the only requirement is that whether at all there is any material to proceed and not to look beyond.

22. As far as C.C.No.10 of 2024 is concerned, the respondent on the complaint received had conducted thorough investigation. The payment details and accounts of M/s.Micro Machine Tools collected and tabulation filed in the charge sheet showing 235 instances of payment made to A2 and there is also details given, in routing of the money through the family members and friends of the petitioner and 10 accounts identified and statement of accounts collected. Added to it, the petitioner directly received some credits in his HDFC bank account and in Central Bank of India from Ms/.Micro Machine Tools. Thus the investigation reveals petitioner fraudulently, dishonestly made payments in excess to the value submitted by A2 and A2 not only raised invoices for the materials delivered to BEL,

Chennai of lesser value, but received excess payment and thereafter routed to A1 through various accounts identified by A1. In this case, it is a continuous offence. The petitioner received payments from 24.04.2015 till 12.04.2019 and the last payment was on 12.04.2019, i.e., after the amendment of PC Act, which came into force on 26.07.2018.

23. As far as C.C.No.11 of 2024 is concerned, it is not in dispute that the petitioner was employed in accounts section of BEL, Chennai. The case against the petitioner is that the petitioner based on the invoices from the three companies/Firms, without supply order raised payments, generated dummy sanction numbers and prepared invoices and bills on various dates to the said company without receiving any products or services from them, with dishonest and fraudulent intention to cheat BEL, abused his position and caused wrongful loss to the BEL and correspondingly made wrongful gain to themselves. The petitioner as public servant received undue advantage from other accused persons. In the charge sheet, a tabulation for the transaction of

M/s.Aimer Electronics Solutions, M/s.Eldaas Technologies Private Limited, and M/s.Naanal Technologies Private Limited listed, confirming the payments made. In some cases, the invoices are not traceable, confirming based on fictitious documents, account created and payments made. Further the internal audit raised this issue and thereafter a detailed examination and internal verification done. The respondent by thorough investigation, culled out misdeeds of the petitioner and other accused. The documents collected and statement recorded would confirm that there is *prima-facie* material to proceed against the petitioner and other accused.

24. The learned counsel for petitioner relied on the judgments of Hon'ble Apex Court in the cases of (i) ***T.Barai vs. Henry Ah Hoe and another*** reported in ***(1983) 1 SCC 177***; (ii) ***Zile Singh vs. State of Haryana and Others*** reported in ***(2004) 8 SCC 1***; and (iii) ***P.Satyanarayana Murthy vs. District Inspector of Police, State of Andhra Pradesh and another*** reported in ***(2015) 10 SCC 152*** for the point that the case projected against

the petitioner is, the period of offence is from 2013 to 2019. Hence, the petitioner cannot be charged under the amended Section 13(1)(a) of the Prevention of Corruption Act.

25. He further relied on the judgment in the case of ***N.Raghavender vs. State of Andhra Pradesh, CBI*** reported in ***(2021) 18 SCC 70*** for the point that the petitioner cannot be proceed under Section 409 of I.P.C. On the facts of the above case, it is not acceptable. The claim of the petitioner is factual in nature, which has to be decided only during trial and not in this petition. The citations relied on by the petitioner are not relevant to the facts and circumstances of the case. Though it has been shown in the charge sheet that the petitioner and other accused were serving in the BEL, Chennai during the period from 2013 to 2019, it is a continuous offence, the fraudulent act as per the tabulation shown in the charge sheet committed prior to the amendment, dated 26.07.2018. Hence, the first two citations not applicable to the facts of the case. The third citation referred by the petitioner pertains to trap case.

26. At this stage it is sufficient to look whether there are materials *prima-facie* available to proceed against the petitioner and not to consider whether it lead to conviction. Thus from the above it is clear that there are enough and sufficient materials to proceed against the petitioner. The petitioner's contentions are his defence, which can be considered during trial.

27. In the result, these Criminal Revision Cases are dismissed. It is made clear that the observations made herein is for the limited purpose to decide the above petitions. The trial Court to proceed with the trial uninfluenced by any of the observations made herein. Consequently, the connected Criminal Miscellaneous Petitions are closed.

13.10.2025

Index : Yes / No
Neutral citation : Yes / No
Internet : Yes/No
Speaking / Non-speaking order
rsi

To

1.The IX Additional Special Judge for CBI Cases,
Chennai.

2.The Superintendent of Police,
CBI, ACB, Chennai.

3.The Public Prosecutor,
High Court, Madras.

M.NIRMAL KUMAR, J.

rsi

Pre-delivery orders in
Crl.R.C.Nos.1397, 1386 and 1394 of 2024

13.10.2025