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Crl.O.P.No.30345 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 17.02.2025
PRONOUNCED ON: 19.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.30345 of 2024

1.Priya Lakshmi

2.M/s.Uniquetstep Marine India Pvt. Ltd.,
Rep. By its Managing Director Priya Lakshmi,
Sai Savera, Flat No.302, Section-8B,
Belapur, Navi Mumbai – 410 210. ... Petitioner

Vs.

State rep. By
The Deputy Superintendent of Police,
SPE/CBI/ACB/CHENNAI. ... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure (Section 528 of BNSS), to set aside the order dated 18.09.2024 passed in Crl.M.P.No.6851 of 2024 in C.C.No.4 of 2014 by the learned XI Additional Special Court for CBI Cases, Chennai.

For Petitioners : Mr.T.Sivananthan
For Respondent : Mr.K.Srinivasan
Spl. Public Prosecutor for CBI Cases



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ORDER

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The petitioner/A4 and A5 in C.C.No.4 of 2014 filed a petition in CrI.M.P.No.6851 of 2024 under Section 91 Cr.P.C. seeking to summon Statement of Current Account No.32406298168 for the period from 2012 to 2024 and Statement of LC Discounting Account of M/s.Uniquestep Marine India Private Limited for the period from 2012 to 2024. The Lower Court dismissed the said petition by order dated 18.09.2024. Against which, the present petition is filed.

2.The contention of the learned counsel for the petitioner is that the CBI filed a case against the petitioners alleging that in conspiracy with A2 and other accused, the petitioners agreed to do illegal acts by issuing four letter of credits to deceive Indian Bank, Edaikazhinadu Branch and State Bank of India at Sir P.M. Road Branch, Mumbai. The State Bank had recovered a sum of Rs.12,44,73,474/ out of the alleged wrongful loss of Rs.20,57,97,800/- and the balance amount as on December 2012 is Rs.8,13,24,326/-. The Debt Recovery Tribunal, Mumbai in O.A.No.92 of 2014 debited Rs.5,15,05,740/- from the account of A5 Company. The



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Company affairs were handled by one Mrs.Meenakshi and the first petitioner was in Dubai during that period. The State Bank of India, Mumbai is not furnishing the Statement of Current Account and LC Discounting Account of A5 Company citing the above CBI case. In view of the recoveries made by the State Bank of India from the petitioners, there is no wrongful loss to State Bank of India. To prove that no charges are made out and the innocence of the petitioners, issuance of summons to the Branch Manager to produce the Statement of Current Account No.32406298168 for the period from 2012 to 2024 and Statement of LC Discounting Account M/s.Uniquestep Marine India Private Limited for the period from 2012 to 2024 is imperative. The above said documents are vital and crucial to prove the exact wrongful loss alleged in the present case and to prove no case is made out against the petitioners. Hence, to arrive at just decision and for better appreciation of the case, the summoning of the document is necessary. The Lower Court failed to consider that each and every person facing prosecution has to be given sufficient opportunity to prove their case and innocence, otherwise the entire trial will become a mockery and fair trial guaranteed under Article 14 of the Constitution of India will be denied. The petitioners ought to have been given sufficient opportunity to prove their



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innocence by producing the document which is under the custody of State Bank of India, Mumbai.

3.The learned counsel further submitted that the Lower Court failed to consider the evidence of P.W.3/Assistant General Manager, State Bank of India and P.W.23/Investigating Officer who admit in their deposition that all the loan amount was recovered and as such, there is no wrongful loss to the Bank which confirms that the charges framed against the petitioners cannot be sustained. Further denying the petitioners to summon these document would amount to violation of Section 136 of the Indian Evidence Act. The Lower Court had not considered the petitioners' prayer independently but referred to a petition filed by A1 in CrI.M.P.No.5722 of 2024 under Section 91 Cr.P.C. to issue summons seeking the Bank to produce the files relating to O.A.No.92 of 2014 and the loan recovery files of second petitioner. Further A1 filed another petition in CrI.M.P.No.6211 of 2024 to summon the Bank Officials to produce the same documents. The Trial Court dismissed those petitions. Now denying the petitioners' application stating that it is for the same or similar prayer is not proper. Each of the accused has got independent right to formulate his defence and to prove his innocence by



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summoning and examining the witness and documents which cannot be denied. The petitioners at the stage of defence already examined D.W.1 and marked Ex.D1 to Ex.D3 to prove that A4/first petitioner was not even present in India and it was one Mrs.Meenakshi who had coordinated and dealt with the Bank Officials. The Trial Court without considering the petitioners' right and independent prayer had gone by the earlier petitions filed by the other accused and also the stage of the case and dismissed the petition which is not proper. Hence, prayed for setting aside the impugned order.

4.The learned Special Public Prosecutor submitted that the first petitioner/A4/Managing Director and the second petitioner/A5 Company filed the above petition seeking to produce the Statement of Current Account No.32406298168 for the period from 2012 to 2024 and Statement of LC Discounting Account M/s.Uniquestep Marine India Private Limited for the period from 2012 to 2024. The Trial Court considering the petitioners' prayer to be of the same relief sought by yet another accused which has been earlier negatived, dismissed the petition. Further, the trial is at the penultimate stage. The prosecution examined P.W.1 to P.W.23 and marked



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Ex.P1 to Ex.P157. The accused were questioned under Section 313 Cr.P.C. on 07.05.2021 and the case was posted for defence evidence. The petitioners herein examined D.W.1 and marked Ex.D1 to Ex.D3 and the case is pending for the past two years at this stage, now arguments advanced and the case is posted for judgment on 24.02.2025. He would submit that the petitioners finding that their prayer under Section 243 Cr.P.C. has got limited application in view of Section 22 of the Prevention of Corruption Act, had devised an ingenious method and filed a petition under Section 91 Cr.P.C. without any materials and grounds. He would further submit that A1 in this case already filed CrI.M.P.No.6217 of 2023 seeking to summon three Bank Officials and for production of two documents. He also filed a petition under Section 91 Cr.P.C. in CrI.RC.No.5722 of 2024 seeking the very same documents. The prayer sought for by A1 was dismissed by the Lower Court. Against which, A1 filed a revision petition before this Court in CrI.R.C.No.1494 of 2024 and this Court dismissed the revision finding that there is no bonafide in it. The same prayer of A1 has been cloaked in the petition filed by the present petitioners.

5.The learned Special Public Prosecutor further submitted that the first



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petitioner's son S.Madhusudhan was examined as D.W.1 and he deposed that his mother was in Dubai. Further, he had stated that it is one Mrs.Meenakshi, Director of Pro-Am Business Solution at Hyderabad and an Additional Director of Tarapore Transformers Limited, Mumbai was well conversant with the Bank Officials and bank transactions and she was doing bank liason work and helps to get credit facilities for business organizations in Crores. The said Mrs.Meenakshi issued an internship certificate to D.W.1 which was marked as Ex.D3. D.W.1 further deposed that he is well acquainted with the signature and writings of his mother/A4 and confirmed that the signatures in Ex.P39, Ex.P41, Ex.P42, Ex.P46, Ex.P48, Ex.P53, Ex.P55, Ex.P60 and Ex.P62 are not that of his mother. D.W.1 deposed against the evidence of P.W.6, who is said to have handed over blank lorry receipts and bills. The State Bank of India after recovering a sum of Rs.12,44,73,474/- filed a suit for recovery of balance amount before the DRT, Mumbai in O.A.No.92 of 2014. The Tribunal by order dated 30.07.2016 recorded that the petitioners herein who are defendants 1 and 2 remained exparte and the petitioners along with other defendant have been jointly and severally directed to pay the State Bank of India a sum of Rs.9,31,85,242.28 with simple interest @ 12% per annum and thereafter, the



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DRT issued a Sales Certificate on 16.08.2016. The petitioners having consciously kept away from the DRT proceedings not challenging the recovery made by the State Bank of India now attempting to raise a defence that the Statement of Current Account No.32406298168 for the period from 2012 to 2024 and Statement of LC Discounting Account M/s.Uniquestep Marine India Private Limited for the period from 2012 to 2024 are relevant to the case. As far as the prosecution's case is concerned, the documents sought for by the petitioners has no relevance. In this case, charges are framed against the petitioners on 18.08.2015, trial commenced, the prosecution examined P.W.1 to P.W.23 and marked Ex.P1 to Ex.P157, statement of the accused under Section 313 Cr.P.C. recorded and thereafter, the matter was posted for defence evidence. The petitioners examined D.W.1 on 13.12.2023 and marked Ex.D1 to Ex.D3 and for the past two years, the case is pending at this stage, now at the fag end of the trial, the present petition is filed. He further submitted that now arguments of both sides completed and the case is now posted for judgment on 24.02.2025. He would further submit that it is nothing but a dilatory tactics to protract the proceedings. Hence, prayed for dismissal.



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6.Considering the submissions made and on perusal of the materials, it is seen that in this case a petition under Section 91 Cr.P.C. was filed by the petitioners seeking Statement of Current Account No.32406298168 for the period from 2012 to 2024 and Statement of LC Discounting Account M/s.Uniquestep Marine India Private Limited for the period from 2012 to 2024. P.W.3/Assistant General Manager, State Bank of India was examined on 26.02.2016 and through him Current Account bearing No.32406298168 in the name of M/s.Uniquestep Marine India Private Limited, Navi Mumbai which was opened on 03.07.2012, Account Opening Form signed by Mrs.Prya Lakshmi, Director of the Company and various other documents have been marked as Ex.P37 [46 Sheets]. Further, the certified extract of the Current Account Statement of the second petitioner Company/A5 for the period from 03.07.2012 to 20.05.2013 has been marked as Ex.P38 [8 Sheets]. It is also seen that Ex.P21, Ex.P22, Letter of Credit documents and various other corresponding document has been spoken to by the witness. He was cross examined by the petitioners primarily with regard to the recoveries made against the Letter of Credit and also about the outstanding amount. Likewise, P.W.23/Investigating officer was cross examined in detail and it has been suggested to him that the officials from State Bank of



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India and Financial Broker ought to have been arrayed as accused but they have been listed as witnesses and selective investigation has been carried out and the real accused has been left out due to the influence of highly influential person and the petitioner framed in the above case despite considerable amount paid from the petitioners' account to set right the loan default. But the petitioners have been arrayed as accused which is a matter to be decided during the trial. From the materials produced, it is seen that summoning of the two documents is not required. In this case, admittedly questioning under Section 313 Cr.P.C. completed on 07.05.2021 and the case was kept pending for the past two years at the stage of defence. The above petition is filed by the petitioners belatedly without any materials and grounds. Therefore, the Trial Court had rightly dismissed the petition. It is also seen that the case is at the penultimate stage, arguments of both sides completed and the case is now posted for judgment on 24.02.2025. Hence, this Court finds no reason to interfere with the impugned order.

7. Accordingly, the Criminal Original Petition stands dismissed. It is made clear that the observations made herein is for the limited purpose of deciding the above petition and the Trial Court is directed to decide the case



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on its own merits.

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Index: Yes/No
Speaking Order/Non-Speaking Order,
Neutral Citation: Yes/No
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M.NIRMAL KUMAR, J.

cse

To

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

Pre-delivery order made in
Crl.O.P.No.30345 of 2024

19.02.2025