IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2026

CORAM :

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.15726 of 2026
and Crl.M.P.Nos.10273 and 10274 of 2026

Sunitha Ojha .. Petitioner

Versus

The State represented by
The Inspector of Police,
CBI, BSFB, Banglore. .. Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the supplementary Final Report, dated 30.11.2024 in C.C.No.36 of 2025 on the file of the XI Additional Special Court of CBI Cases, Chennai and quash the same as insofar as the petitioner is concerned.

For Petitioner : Mr.Rahul M Shankhar

For Respondent : Mr.K.Srinivasan,
Special Public Prosecutor for CBI

ORDER

This Criminal Original Petition is filed to quash the proceedings in C.C.No.36 of 2025 on the file of the XI Additional Special Court of CBI Cases, Chennai.

2. The petitioner is arrayed as the accused No.15. The case of the prosecution is that originally, the respondent filed a Final Report as against the 12 accused persons and subsequently, filed supplementary Final Report adding the petitioner also as the accused No.15. The allegation as against the accused is that in the year 2003, M/s.SLO Industries Limited, through Anil Kumar Ojha (the second accused), approached the complainant bank for a term loan and in pursuance of the same, Rs.2.95 crores was sanctioned and at an LC Limit of Rs.1.75 crores. Over the next 10 years, the limits on the sanctions were cumulatively increased to Rs.205.10 crores subject to various terms and conditions. It is alleged that these terms and conditions were not adhered to by the accused Company and multiple irregularities were noticed by the complainant bank officials. It is alleged that at the request of Anil Kumar Ojha, and the accused, the complainant bank opened 37 LCs during the check period in favour of 6 LC beneficiary parties viz., M/s.Emjay Steel Udyyog Private

Limited, M/s.Shakthi Ferro Alloys India Private Limited, M/s.Suryadev Alloys and Power Private Limited, M/s.Kamachi Steels Limited, M/s.Core Indo Ispat Private Limited and M/s.Kamachi Sponge and Power Corporation Limited. Out of these various LCs, 10 of them devolved. It is further alleged that the proceeds of the LCs were used for the closure of previously issued LCs. It is also alleged that there was no movement of materials from the supplier companies to M/s.SLO Industries Limited and that Anil Kumar Ojha (the second accused) and Arun Kumar Sharma (the third accused) along with Aashish Nevatia (the ninth accused) and Vinoth Kothari (the eleventh accused) who were LC beneficiary parties, submitted false invoices and delivery challans to induce the complainant bank to release credit facilities.

3. It is alleged that Anil Kumar Ojha (the second accused) inflated the amount of receivables owed to M/s.SLO Industries Limited (the first accused) by submitting false statements regarding payment of advance amounts without sufficient purchase of goods and by providing unsecured loans paid to other companies. It is also alleged that M/s.SLO Industries Limited (the first accused) diverted working capital loan funds from the year 2010-2011 and acquired 38 properties in the name of the

first accused and one property jointly in the name of the third accused and the first petitioner. As per the terms and conditions of the complainant bank in issuing the term loans, the first accused was to route all transactions through the account maintained with the complainant bank. However, in contravention of the same, the first accused operated current accounts in other banks such as ICICI Bank, City Union Bank and Kotak Mahindra Bank. The accused are stated to have also availed loans from other banks for purchase of luxury and commercial vehicles. Nearly after 3 years of the first Final Report, i.e., after three years from 22.03.2021, the supplementary Final Report was filed on 30.11.2024 under Sections 120-B r/w 420 of I.P.C and Sections 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, adding four more accused persons, who were not accused in the Final Report, dated 22.03.2021.

4. Learned Counsel for the petitioner submits that the petitioner is arrayed as the accused No.15 and she has now been charged for the offences punishable under Sections 120(b) r/w 420 of I.P.C. The entire allegation as against the petitioner is that she conspired with the other accused and cheated the bank without providing any additional or specific information as to how the petitioner has conspired with the other accused.

He further submits that the petitioner is not a Director of any other Company. The relationship between the petitioner and the second accused is only husband and wife. Further, the prosecution, only on the basis of the documents which were available at the time of filing the first Final Report, has, filed the supplementary Final Report adding the petitioner also as an accused. Even according to the case of the prosecution, the petitioner had lent money in favour of the Company and thereafter, it was returned to the petitioner. He also relied upon the documents to that effect showing some of the amount lent by the petitioner was subsequently, transferred back to the account of the petitioner herein. Therefore, no other person has spoken about the role played by the petitioner in order to attract the offence under Section 120(b) r/w 420 of I.P.C. In support of his contention, he also relied upon the judgment of the Hon'ble Supreme Court of India in ***Mariam Fasihuddin and Anr. Vs. State by Adugodi Police Station and Anr.*** [***(2024) 1 SCC 733***]. In the course of further investigation, no new material was unearthed by the investigation agency. Instead, the supplementary charge sheet relies upon the materials which were already available when the original charge sheet was filed. The term 'further investigation' stipulated in Section 173(8) of Cr.P.C., obligates the officer incharge of the Police Station concerned to obtain further evidence, oral/documentary and only then, forward a supplementary report regarding such evidence.

5. He further submits that on a perusal of the record, admittedly, the petitioner is arrayed as the accused No.15 as per the supplementary charge sheet. Originally, the charge sheet was laid as against the 12 accused persons and subsequently, others were arrayed as the accused. On the available records, the prosecution has filed supplementary Final Report alleging that the petitioner also conspired with the other accused Directors in diversion of working capital funds of Rs.15,00,000/- from the M/s.SLO Industries Limited to M/s.SLO Buildcon Private Limited, a Company where her husband is one of the Directors. Furthermore, the sum of Rs.38,40,000/- was transferred from the account of the M/s.SLO Industries Limited to Anil Kumar Ojha, the petitioner's husband and thereafter, the amount of Rs.24,68,000/- was transferred in favour of the petitioner herein. Subsequently, she transferred the said amount to the M/s.SLO Buildcon Private Limited. That apart, a sum of Rs.38,40,000/- was transferred to the petitioner's account and subsequently, the same was transferred to the M/s.SLO Buildcon Private Limited. It is also spoken by one of the witnesses that the amount of Rs.1,59,10,000/- was debited from working

capital account of M/s.SLO Industries Limited on 24.08.2015 and was transferred to M/s.Shri Mahalakshmi Metal and Scrap Processing Private Limited. The sum was further transferred to the personal account of the petitioner's husband and he diverted the said amount to the petitioner's account to the tune of Rs.3,35,000/- and in turn, he transferred a sum of Rs.84,27,233/-. Though the petitioner had produced some of the accounts ledgers showing that those amounts were lent by the petitioner in favour of the Company, those arguments can be tested only before the Trial by letting evidence. That apart, the judgment of the Hon'ble Supreme Court of India relied upon by the petitioner arises out of a family dispute. Therefore, the said judgment is not applicable to the facts of the case on hand. In fact, even at the time of filing the first Final Report, though, there were materials available on record, some of the accused were left and subsequently, by way of supplementary charge sheet, the petitioner has been arrayed as an accused. Therefore, there is absolutely no wrong in the prosecution filing the supplementary Final Report adding some more accused.

6. The Hon'ble Supreme Court of India in the judgment reported in ***2019 (4) SCC 351*** in the case of ***Devendra Prasad Singh Vs. State of***

Bihar & Anr., (Crl.A.No.579 of 2019** dated **02.04.2019) while dealing with the petition to quash the entire criminal proceedings held that the High Courts have no jurisdiction to appreciate the statement of the witnesses and record a finding that there were inconsistencies in their statements and therefore, there was no prima facie case made out as against the accused. It could be done only by the trial Court while deciding the issues on the merits or/and by the Appellate Court while deciding the appeal arising out of the final order that the charge sheet has been laid on the basis of the inconsistency statement under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

7. Further, the Hon'ble Supreme Court of India in the judgment reported in ***2019 (10) SCC 686*** in the case of ***Central Bureau of Investigation Vs. Arvind Khanna, (Crl.A.No.1572 of 2019 dated 17.10.2019)*** held that the High Courts cannot record the findings on the disputed facts. The defence of the accused is to be tested after appreciation of evidence by the trial Court during the trial. Therfore, this Court has no power to consider the disputed facts under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. The Hon'ble Supreme Court of India in another judgment dated ***02.12.2019*** passed in ***Crl.A.No.1817 of 2019*** in the case of ***M.Jayanthi Vs. K.R.Meenakshi & anr,*** held that while considering the petition for quashment of complaint or charge sheet, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that consititue certain offences complained of. Further, the Court can also see whether the preconditions requisite for taking cognizance have been complied with or not and whether the allegations contained in the complaint, even if accepted in entirety, would not consititue the offence alleged. Whether the accused will be able to prove the allegations in a manner known to law would arise only at a later stage i.e., during trial.

9. Further this Court cannot observe at this stage as to whether the initiation of criminal proceeding itself is malicious or not. The same is required to be considered at the conclusion of the trial. Therefore, the grounds raised by the petitioner to quash the final report/charge sheet cannot be entertained.

10. In view of the above discussion, this Court is not inclined to quash the proceedings in C.C.No.36 of 2025 on the file of the XI Additional Special Court of CBI Cases, Chennai. The petitioner is at liberty to raise all the grounds before the trial Court. Considering the age of the petitioner, the personal appearance of the petitioner is dispensed with and she shall be represented by a Counsel after filing appropriate application. However, the petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 351 of BNSS and at the time of passing judgment. Consequently, connected miscellaneous petitions are closed.

22.06.2026

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
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To

1. The XI Additional Special Court of CBI Cases,
   Chennai.

2. The Public Prosecutor,
   High Court of Madras.

3. The Inspector of Police,
   CBI, BSFB, Banglore.

G.K.ILANTHIRAIYAN, J.

grs

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