



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL RC No. 1216 of 2024

S.Kala

W/o.M.Saravanan, No.11/126, Vanniar Street,
Kodambakkam, Chennai-600 024.

..Petitioner(s)

Vs

State Rep. By

The Inspector Of Police,
SPE/CBI/ACB/CHENNAI.

..Respondent(s)

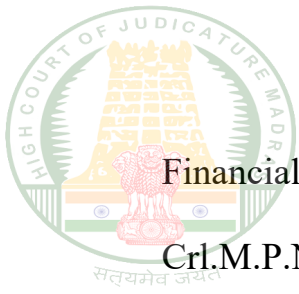
PRAYER: Criminal Revision Case filed under Section 397 and 401 of Cr.P.C., 1973, praying to call for the records relating to the order passed in CrI.M.P.No.4888 of 2020 in C.C.No.3 of 2020 dated 25.06.2024, on the file of Learned XI Additional Special Judge for CBI Cases relating to Banks and Financial Institutions at Chennai, and SETASIDE the order passed in CrI.M.P.No.4888 of 2020 in C.C.No.3/2020 dated 25.06.2024 and further direct the concerned Court to consider the Petition for grant of pardon to the petitioner/accused-12 as per Law.

For Petitioner(s): Mr.T.Sivananthan

For Respondent(s): Mr.K.Srinivasan
Special Public Prosecutor (CBI Cases)

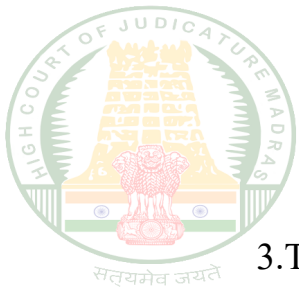
ORDER

This Criminal Revision has been filed challenging the order passed in CrI.M.P.No.4888 of 2020 in C.C.No.3 of 2020 dated 25.06.2024, on the file of the learned XI Additional Special Judge for CBI Cases relating to Banks and



Financial Institutions at Chennai, and set aside the order passed in Crl.M.P.No.4888 of 2020 in C.C.No.3 of 2020 dated 25.06.2024 and further direct the concerned Court to consider the Petition for grant of pardon to the petitioner/accused-12.

2.The case of the prosecution is that the bank sanctioned and disbursed nine loans (Home /Car loans) to 14 beneficiaries during the period of August 2014 to December 2014 to the tune of Rs.3.65 Crores, which turned as Non Performing Assets. The Assistant General Manager and the Senior Manager of the UCO Bank, had processed the loan applications and disbursed the loans dishonestly without carrying out proper due diligence of the borrower / co-borrower, documents and credentials and nature and value of the properties offered as security in conspiracy with the borrowers, thereby causing pecuniary loss to the bank and corresponding gain to the borrowers to the tune of Rs.3.77 Crores including outstanding interest. On the complaint, the respondent registered F.I.R. After completion of investigation, final report was filed and the same has been taken cognizance in C.C.No.3 of 2020. While pending trial, the petitioner, being an accused No.12, filed a petition and tendered pardon, on the ground that their statements were recorded under Section 164 Cr.P.C. and the respondent rejected them as witnesses. That apart, they have no objection to pardon the petitioner. However, the trial Court dismissed the petition by citing the Judgment of the Hon'ble Supreme Court.

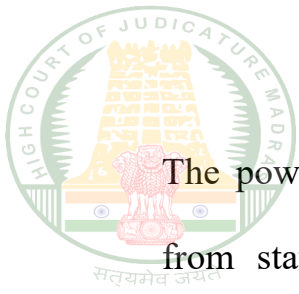


WEB COPY

3.The learned counsel for the petitioner submits that the petitioner's statement was already examined under Section 164 Cr.P.C. and as such he was shown as witness. Unfortunately, he has been implicated as an accused. Therefore, the petitioner submitted application tendering pardon, and for which the respondent also has no objection. Even then, without considering the same, the trial Court mechanically dismissed the petition.

4.On a perusal of the counter affidavit and also the submissions made by the learned Special Public Prosecutor (C.B.I.), it is seen that the prosecution has now examined PW1 to PW5 and the trial is in progress. During the investigation, the petitioner voluntarily had disclosed the facts and circumstances and revealed his own privy in this case. Accordingly, his statement was recorded under Section 164 Cr.P.C. Though the statement of the petitioner was recorded under Section 164 of Cr.P.C. and the respondent has no objection to pardon the petitioner, the trial Court dismissed the petition seeking pardon, since the prosecution had given sufficient overwhelming materials in the form of witnesses, statements and documents to prove the case as against the accused.

5.The Hon'ble Supreme Court repeatedly held that the 'object is to obtain evidence of an accomplice so as to facilitate conviction of the other accused.



The power to grant pardon to an accomplice is a substantive power derived from statutory provision and not an inherent power of a criminal court.

Therefore, the trial Court considering the sufficient overwhelming materials very much available to proceed the case as against the accused, dismissed the petition seeking pardon.

6.The Hon'ble Supreme Court also held in the case of ***Suresh Chandra Bahri V. State of Bihar***, reported in ***1995 Supp(1) SCC 80***, which was relied upon by the trial Court, held that the Crime is committed in a manner for which no clue or any trace is available for its detection and, therefore, pardon is granted for apprehension of the other offenders for the recovery of the incriminating objects and the production of the evidence which otherwise is unobtainable. The dominant object is that the offenders of the heinous and grave offences do not go unpunished, the Legislature in its wisdom considered it necessary to introduce this section and confined its operation to cases mentioned in Section 306 of the Code. Therefore, this Court unable to appreciate the petition filed by the petitioner to accept the pardon tendered by the accused.

7.Further, the statement recorded under 164 Cr.P.C. does not contain any inculpatory statement, but is exculpatory in nature. Therefore, the petitioner



cannot be treated as an approver. Once the petitioner is treated as an accused, tendering of pardon does not arise and since there are materials very much available to convict the petitioner.

8.This Court finds no infirmity or illegality in the order passed in Crl.M.P.No.4888 of 2020 in C.C.No.3 of 2020 dated 25.6.2024, by the learned XI Additional Special Judge for CBI Cases relating to Banks and Financial Institutions, Chennai at Chennai. Accordingly, the same stands confirmed.

9.The Criminal Revision Case stands dismissed accordingly.

08-06-2026
(2/3)

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

kas

To.

1.XI Additional Special Judge (CBI Cases)
Chennai

2.The Inspector Of Police,
SPE/CBI/ACB/CHENNAI.



WEB COPY

CRL RC No. 1216 of 2



G.K.ILANTHIRAIYAN, J.

kas

CRL RC No. 1216 of 2024
(2/3)

08-06-2026