

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.10.2015

Coram

The Honourable Mr. Justice A.SELVAM

Crl. R.C.Nos.1108 and 1109 of 2015
& M.P.Nos.1 and 2 of 2015 in Crl.R.C.No.1108/2015
& M.P.No.1 of 2015 in Crl.R.C.No.1109/2015

SR.Srinivasan ... Petitioner in Crl.R.C.No.1108/2015/
Accused 3

T.R.Venkataraman ... Petitioner in Crl.R.C.No.1109/2015/
Accused 2

vs.

State rep.by
Inspector of Police
CBI/BSFC
Bangalore

... Respondent/Complainant in Crl.R.C.
No.1108/15

The Central Bureau of Investigation
Rep.by the Investigating Officer,
Bank of Securities and Trands Cell,
Bangalore 560032. in Crl.RC.1109/15.

Revisions under Sections 397 and 401 of Criminal Procedure Code to call for the records of the order dated 30.09.2015 made in Crl.M.P.No.2710 of 2015 in C.C.No.65 of 2000 on the file of XI Additional Special Judge for CBI Cases, City Civil Court, Chennai and to set aside the same by allowing the present revision and consequently direct joint trial in CC.No.65/2000.

For petitioner in
Crl.R.C.No.1108/2015 : Mr.R.Loganathan
For petitioner in
Crl.R.C.No.1109/2015 : Mr.K.Sankaran
For respondent in
both Crl.R.Cs : Mr.K.Srinivasan,
Spl.Public Prosecutor

COMMON ORDER

These Criminal Revision Cases have been directed against

the order dated 30.9.2015 passed in Crl.M.P.No.2710 of 2015 in Calendar Case No.65 of 2000 by XI Additional Special Judge for CBI Cases, City Civil Court, Chennai.

2. The respondent herein on the basis of the complaint in question has conducted investigation and laid a final report on the file of the Court below and the same has been taken on file in Calendar Case No.65 of 2000, wherein the present revision petitioners and others have been arrayed as accused. During pendency of Calendar Case No.65 of 2000, the respondent herein, as petitioner, has filed Crl.M.P.No.2710 of 2015 so as to split up the case as against 8th accused. The Court below, after considering the divergent contentions raised on either side, has allowed the petition. Against the order passed by the Court below, these Criminal Revision Cases have been preferred by the accused 2 and 3 as revision petitioners.

3. The short point that comes up for consideration in the present Revision Cases is as to whether the Calendar Case as against the 8th accused can be split up for the reasons mentioned in the petition filed in Crl.M.P.No.2710 of 2015.

4. The learned counsels appearing for the revision petitioners have uniformly contended that the specific case put forth on the side of the respondent is that the accused 2 to 7 are bank officials and during their service, they advanced loans to the accused 8 and 9 by way of flouting existing procedure and all the accused have contrived themselves for the purpose of committing offences under sections 120(b), 420, 467, 468 and 471 of IPC and also under section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. Under such circumstances, the presence of 8th accused in Calendar Case No.65 of 2000 at the time of conducting trial against the remaining accused is very much essential, but the Court below without considering the nature of crime alleged to have been committed by all the accused has erroneously allowed the petition and therefore, the order passed by the Court below is liable to be set aside.

5. Per contra, the learned Special Public Prosecutor has contended that inspite of best efforts made on the side of the respondent, summons cannot be served to the 8th accused. Under such circumstances, the case against the 8th accused has been split up as per order passed in Crl.M.P.No.2710 of 2015 and therefore, the order passed by the Court below does not require interference.

6. It is seen from the records that the accused 8 and 9 have obtained loans from the concerned bank and at the time of granting loan, the accused 2 to 7 have served in the concerned bank. Considering the fact that the specific case put forth on the side of the respondent is that all the accused have

contrived themselves and committed the alleged offences, this Court is of the view that the presence of 8th accused is very much essential for better adjudication.

7. As pointed out earlier, the respondent has filed a final report against all the accused under sections 120(b), 420, 467, 468 and 471 of IPC and also under section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988.

8. Considering the nature of the offences alleged to have been committed by all the accused as stated earlier, the case against 8th accused cannot be split up. But the Court below, without considering the role alleged to have been played by 8th accused has erroneously split up the case. In view of the discussions made earlier, the impugned order passed in Crl.M.P.No.2710 of 2015 is liable to be set aside.

In fine, these Criminal Revision Cases are allowed. Consequently, the connected Miscellaneous Petitions are closed. The order passed in Crl.M.P.No.2710 of 2015 in Calendar Case No.65 of 2000 by the court below is set aside and the petition filed in Crl.M.P.No.2710 of 2015 is dismissed. The respondent is strictly directed to effect service of summons to the 8th accused.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ajr

To

1. XI Additional Special Judge for CBI Cases, City Civil Court, Chennai

2. The Inspector of Police/Investigating Officer, CBI/BSFC, 36,Bettary Road, Ganga Nagar, Bangalore-560032

3.The Public Prosecutor, High Court, Madras.

+1 cc to Mr.R.Loganathan, Advocate, sr.59128

+2 ccs to MR.K.Sankaran, Advocate, sr.59157

+2 ccs to Mr.K.Srinivasan, Advocate, sr.59261

Crl.R.C.Nos.1108 and 1109 of 2015

gr co

kra 16/11/2015