

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt. S. Alli, M.L.,
Principal Sessions Judge
Monday, the 8th day of July, 2024.**

Crl.M.P.Nos.16499 and 16500/2024

in

C.C.No.9 / 2023

in

ECIR No.MDSZO/21/2021

V.Senthil Balaji

... Petitioner in both the petitions /
Accused

Vs.

The Deputy Director,
Directorate of Enforcement,
Ministry of Finance,
Chennai Zonal Office-II,
B-Wing, Shastri Bhawan,
Haddows Road, Chennai-600006.
petitions

.... Respondent in both the
/Complainant.

These petitions coming on 4.7.2024 before this court for hearing in the presence of M/s.N.Bharanikumar, Counsel for the petitioner and of M/s.N.Ramesh, Special Public Prosecutor for respondent and upon hearing both sides and upon perusal of case-records and having stood over for consideration till this day, this Court delivered the following:

COMMON ORDER

Crl.M.P.No.16499/2024 :

1. This application has been filed by the petitioner u/s 207 of Cr.P.C. to furnish missing documents in RUD No.17 - Copy of counterfoil challans, i.e., (i) dated 16.9.2015 for a sum of Rs.10,000/- with reference No.406623876, (ii) dated 28.2.2019 for a sum of Rs.59,000/- with reference No.501312392, (iii) dated 22.4.2019 for a sum of Rs.15,500/- with reference No.201520766 and (iv) Dated 17.9.2019 for a sum of Rs.3,000/- with reference No.302520190 related to Smt.S.Meghala's Account, which were collected by the respondent Agency in their investigation, to the petitioner / accused.

CrI.M.P.No.16500/2024 :

2. This petition has been filed by the petition u/s 207 Cr.P.C. to furnish missing documents in RUD NO.16, i.e., covering letter dated 22.2.2022, addressed by Manager, City Union Bank Ltd., Karur to the respondent related to Mr.V.Senthil Balaji's Account, which were collected by the Respondent Agency in their investigation, to the petitioner.

3. Brief averments made in the petition in CrI.M.P.No.16499/2024 are as follows:

The petitioner has been alleged to be accused in connection with the complaint filed by the respondent and the same was taken cognizance by this court on 14.8.2023 for the triable offences punishable under Section 3 and 4 of Prevention of Money Laundering Act and numbered as C.C.No.9/2023. The respondent / complainant has filed as many as 77 relied upon documents (RUD) in support of a complaint filed by them. One such document is strongly relied by them is RUD Nos.16 and 17, the counterfoil challans, which has been allegedly utilised for depositing the cash by the petitioner and his wife. A communication dated 2.5.2022 was sent by the respondent to the Manager, City Union Bank, Karur Branch requesting cash slips at each deposit of Mrs.S.Mehala from the date of opening to till date for the account of 089109000202916. Likewise, cash slips of each deposit of Mr.V.Senthil Balaji was also sought by the respondent from the date of opening to till date, that is, 27.7.2013 to 28.2.2022 for the account bearing No.089109000203794. Accordingly, the Manager of the City Union Bank, Karur Branch has submitted the copies of the deposit slips pertaining to account Nos.089109000203794 and 089109000202916 on 28.2.2022 and 30.5.2022 respectively. The counterfoils/challans does not correlate to the denominations mentioned behind such foils and the quantum specified in the deposit. It is a logical fact that the deposit challans of the year 2013 may not be available with the banker as we all see practically that the foil/challans are thrown and destroyed after effecting the credit in the account and the same remains proof of evidence of such deposit. The petitioner herein preferred a petition u/s 91 Cr.P.C. in CrI.M.P.No.2180/2024 before this court seeking production of the original counterfoil challans relied by the respondent as RUD No.16 and 17 issued by the City Union Bank, Karur and the same was allowed on 15.2.2024 and the original counterfoil challans were produced before this court. On the request of the

petitioner, this court permitted the petitioner to peruse the original counterfoil challans and on perusal, it was identified that there was a complete difference between the original copy and the photocopy furnished to the accused u/s 207 Cr.P.C. and the same does not correlate with each other. On perusal of the counterfoil challans there were variations and differences in the original produced by the Bank and the copies served under Sec.207 of Cr.P.C. It was further identified that certain counterfoil challans that was produced by the Bank as per the order of this court was not found in the copies furnished under Section 207 of Cr.P.C. The counterfoil challans, i.e., (i) dated 16.9.2015 for a sum of Rs.10,000/- with reference No.406623876, (ii) dated 28.2.2019 for a sum of Rs.59,000/- with reference No.501312392, (iii) dated 22.4.2019 for a sum of Rs.15,500/- with reference No.201520766 and (iv) Dated 17.9.2019 for a sum of Rs.3,000/- with reference No.302520190 produced by the Bank on the direction of this court for Smt.S.Meghala's Account were not furnished under Section 207 Cr.P.C. There are several differences between the originals and photocopies furnished under Section 207 Cr.P.C. and especially there were differences in the way the dates and months were written and in several copies there were writings which was not seen in the photocopies. These differences create a sense of doubt on the genuinity of the copies produced by the respondent. This raises a chances and doubts of planting and creating of the documents relied by the respondent as RUD No.16 and 17, i.e., the photocopies of the Bank Challan of City Union Bank Ltd. Hence the petition to furnish the above said counterfoil challans to the petitioner for making comparison and further for his reference to identify any other difference between the said original counterfoil challans and the copies furnished to the petitioner.

3. The brief averments in the petition in CrI.M.P.No.16500/2024 are as follows :

The petitioner has been alleged to be accused in connection with the complaint filed by the respondent and the same was taken cognizance by this court on 14.8.2023 for the triable offences punishable under Section 3 and 4 of Prevention of Money Laundering Act and numbered as C.C.No.9/2023. The respondent / complainant has filed as many as 77 relied upon documents (RUD) in support of a complaint filed by them. One such document is strongly relied by them is RUD Nos.16 and 17, the counterfoil challans, which has been allegedly utilised for depositing the cash by the petitioner and his wife. A communication

dated 2.5.2022 was sent by the respondent to the Manager, City Union Bank, Karur Branch requesting cash slips at each deposit of Mrs.S.Mehala from the date of opening to till date for the account of 089109000202916. Likewise, cash slips of each deposit of Mr.V.Senthil Balaji was also sought by the respondent from the date of opening to till date, that is, 27.7.2013 to 28.2.2022 for the account bearing No.089109000203794. Accordingly, the Manager of the City Union Bank, Karur Branch has submitted the copies of the deposit slips pertaining to account Nos.089109000203794 and 089109000202916 on 28.2.2022 and 30.5.2022 respectively. The counterfoils/challans does not correlate to the denominations mentioned behind such foils and the quantum specified in the deposit. It is a logical fact that the deposit challans of the year 2013 may not be available with the banker as we all see practically that the foil/challans are thrown and destroyed after effecting the credit in the account and the same remains proof of evidence of such deposit. The petitioner herein preferred a petition u/s 91 Cr.P.C. in CrI.M.P.No.2180/2024 before this court seeking production of the original counterfoil challans relied by the respondent as RUD No.16 and 17 issued by the City Union Bank, Karur and the same was allowed on 15.2.204 and the original counterfoil challans were produced before this court. On the request of the petitioner, this court permitted the petitioner to peruse the original counterfoil challans and on perusal, it was identified that there was a complete difference between the original copy and the photocopy furnished to the accused u/s 207 Cr.P.C. and the same does not correlate with each other. On perusal of the counterfoil challans there were variations and differences in the original produced by the Bank and the copies served under Sec.207 of Cr.P.C. It was further identified that certain counterfoil challans that was produced by the Bank as per the order of this court was not found in the copies furnished under Section 207 of Cr.P.C. The counterfoil challans produced by the Bank Officials as per the order of this court has annexed a letter dated 22.2.2022 addressed to Mr.Karthik Dasari, Deputy Director, citing the respondent's letter dated 21.2.2022 and summon dated 17.2.2022. The letter is addressed and signed by the Manager, City Union Bank Ltd., Karur. The said document is not furnished to the petitioner under section 207 of Cr.P.C. There are several differences between the originals and photocopies furnished under Section 207 Cr.P.C. Therefore, the said said letter which is produced by the Bank in their original copy is required to be

furnished under Section 207 Cr.P.C. to aid the petitioner in identifying the defects in the investigation. Hence, the petition.

4. The brief averments in the common counter filed by the respondent are as follows :

The respondent department filed a prosecution complaint u/s 43 and 44 of PMLA, 2002 for the offence defined u/s 3 and punishable u/s 4 of the Prevention of Money Laundering Act, 2002. The case is now at the stage of pronouncement of orders in the discharge petition filed by the accused. The documents, material evidence relied upon by the respondent Directorate to prove and establish the involvement of the petitioner / accused in the offence of money laundering as defined u/s 3 of PMLA has already been submitted to this court. The copies of the same have also been duly supplied to the petitioner u/s 207 of Cr.P.C. on 28.8.2023. In the said circumstances, the sole motive of the accused in filing the present petition is only to halt the trial proceedings and the same amounts to gross abuse of process of law. Hence, the petitions may be dismissed.

5. Now the point for consideration is :

“Whether the petitions deserve to be allowed?”

POINT :

6. Heard both sides. Records perused.

7. The learned counsel for the petitioner / accused would submit before this court that there were variations and differences in the originals produced by the bank and the copies served under Sec.207 Cr.P.C. and also certain counterfoil challans that has been produced by the Bank as per the order of this court was not found in the copies furnished u/s 207 Cr.P.C. The learned counsel for the petitioner / accused, during his argument, specifically mentioned the counterfoils in Sl.No.13, 34, 35 and 36 are available with the court and copies of the said documents may be furnished to the accused. The learned counsel for the petitioner would also submit that the covering letter to the Bank dated 22.2.2022 is also available with the court, but copy of the said letter has not been furnished to the accused and the same may also be furnished.

8. The learned SPP appeared for the respondent / complainant denied the allegations raised by the petitioner / accused and also stated that the documents / material evidences

relied upon by the respondent Directorate to prove and establish the involvement of the petitioner / accused in the offence u/s 3 of Money Laundering Act and the copies of those documents have already been furnished to the accused and this petition has been filed only to halt the proceedings and requested this court to dismiss the same.

9. Admittedly, the case in C.C.No.9/2023 is at the stage of discharge or framing of charge. It is the case based on the complaint filed by the respondent / Enforcement Directorate. The complaint has been filed along with the list of witnesses and list of documents and produced 77 documents on behalf of the complainant. The documents and material evidences relied upon by the respondent / Enforcement Directorate, have been furnished to the accused u/s 207 of Cr.P.C. on two occasions, i.e., on 28.8.2023 and on 22.4.2024. Again, the petitioner / accused has come forward with these petitions u/s 207 Cr.P.C. for furnishing of counterfoil challans i.e., (i) dated 16.9.2015 for a sum of Rs.10,000/- with reference No.406623876, (ii) dated 28.2.2019 for a sum of Rs.59,000/- with reference No.501312392, (iii) dated 22.4.2019 for a sum of Rs.15,500/- with reference No.201520766 and (iv) Dated 17.9.2019 for a sum of Rs.3,000/- with reference No.302520190 produced by the Bank on the direction of this court for Smt.S.Meghala's Account. On perusal of records of this court, it reveals that those documents in Sl.Nos.13, 33, 34 and 35 were furnished to the petitioner / accused on 22.4.2024 and the petitioner has also signed for the same. One another document sought for by the petitioner / accused is that the covering letter by Bank Officials to the Deputy Director, Enforcement Directorate. Copy of the said letter has been produced before this court and it is available and it will be furnished to the petitioner / accused as claimed by him u/s 207 Cr.P.C. Since the court has already furnished the copies of counterfoil challans and all the documents, which were produced by the respondent and also by the Bank Officials to this court, it is not necessary to furnish it again. If the petitioner / accused finds that there are variations and differences in those documents, it can be raised during trial and also at the time of argument. In these circumstances, the court finds that the petition in CrI.M.P.No.16499/2024 deserves to be dismissed and the petition in CrI.M.P.No.16500/2024 deserves to be allowed.

10. In the result, the petition in CrI.M.P.No.16499/2024 is dismissed and the petition in CrI.M.P.No.16500/202 is allowed.

Dictated to Stenographer directly, typed by him, corrected and pronounced by me in the open Court, this the 8th day of July, 2024.

PRINCIPAL SESSIONS JUDGE.