



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.12.2015

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THE HONOURABLE MR.JUSTICE C.T.SELVAM

Cr1.R.C.Nos.68 & 69 of 2014

and

M.P.Nos.2 & 2 of 2014

Ravi Shankar
S/o.Elumalai

.. Petitioner/A2 in both revisions

vs.

1.State of Tamil Nadu
represented by
Inspector of Police,
C.C.B. Egmore,
Chennai - 600 008.

2.M/s.Intelligent Software Solution
represented by Account Officer,
P.Ramesh S/o.Ramachandran,
Challa Mall, No.11,
Sir Thiyagaraja Road,
Pondy Bazaar, T.Nagar,
Chennai - 600 017.

.. Respondents in both revisions

Criminal Revisions filed under section 397 and 401 Cr.P.C.
against the orders of learned XI Metropolitan Magistrate,
Saidapet, Chennai, passed in Cr1.M.P.No.8242 of 2008 in
C.C.No.2032 of 2006 and Cr1.M.P.No.8240 of 2008 in C.C.No.2031
of 2006 on 28.03.2013.

For Petitioner : Mr.D.Stephen

For Respondents: Mr.C.Iyyapparaj,
Government Advocate [Cr1.side] [R1]
Mr.S.Subramanian [R2]



COMMON ORDER

These revisions challenge the orders of learned XI Metropolitan Magistrate, Saidapet, Chennai, passed in CrI.M.P.No.8242 of 2008 in C.C.No.2032 of 2006 and CrI.M.P.No.8240 of 2008 in C.C.No.2031 of 2006 on 28.03.2013.

2. Petitioner/A2 and another are facing trial in C.C.Nos.2031 and 2032 of 2006 on the file of learned XI Metropolitan Magistrate, Saidapet, Chennai, for offences u/s.408, 477-A and 406 r/w 109 IPC. Pending trial, petitioner/A2 filed C.M.P.Nos.8240 and 8242 of 2008 seeking discharge. Such petitions came to be dismissed under orders dated 28.03.2013. Against such orders, the present revisions have been filed.

3. Heard learned counsel for petitioner, learned Government Advocate [CrI.side] for first respondent and learned counsel for second respondent.

4. Learned counsel for petitioner, referring to the typed set, relied on series of communications between the complainant company and A1 and submitted that A1 was responsible for the entire wrong doing. Learned counsel submitted that this petitioner as also others were only entrusted with the task of collecting monies and handing over the same to A1 who alone was responsible to effect deposits into bank account of the company. Learned counsel contended that A3, a man enjoying a relationship with A1, had joined hands with A1 and they together formed a company and therefore, such persons alone were responsible for the wrong doing alleged. The case against A3 had been quashed under orders of this Court in CrI.O.P.No.6263 of 2008 dated 06.09.2008. Learned counsel submitted that there absolutely was no material in support of the prosecution contention that the petitioner was appointed as a cashier and was thus responsible for the day-to-day affairs of the company.

5. Heard learned Government Advocate [CrI.side] on the above submissions.

6. In dismissing the petitions seeking discharge, the Court below has reasoned that if the contention of petitioner that he is innocent and A1 alone was responsible for the wrong doing was true, nothing prevented him from intimating the same to the complainant company. This, he has failed to do. Further, the 161 Cr.P.C. statements of witnesses and documents produced on behalf of the prosecution pointed unerringly to the guilt of the petitioner. This Court is now concerned with the existence of a prima facie case. This Court cannot consider the defence of the accused at this stage. The final report informs that this petitioner admittedly issued receipts to students upon



collection of monies. Sums mentioned therein did not match those on the original receipts held by the company as such original receipts reflected a lesser sum. This Court is unable to convince itself that there is no prima facie against the petitioner.

These Criminal Revisions are dismissed. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar (CSV)
dt:27/01/2016

True Copy

Sub-Assistant Registrar

gm
To

1.The XI Metropolitan Magistrate,
Saidapet, Chennai.

2.The Inspector of Police,
C.C.B. Egmore,
Chennai - 600 008.

3.The Public Prosecutor,
High Court, Madras.

+4 ccs to M/s.Stephen Advocate sr.nos.65884
& 65885
+1 cc to M/s.Subramaniam Advocate sr.66049

Crl.R.C.Nos.68 and 69 of 2014

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