

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2015

CORAM:

THE HONOURABLE MR. JUSTICE C.T. SELVAM

Crl.R.C.No.1044 of 2015

M/s.Anar Coir ... Petitioner/defacto Complainant

vs.

1.S.K.Rajah ...1st Respondent/Accused

2.The Sub Inspector of Police,
Central Crime Branch,
EDF-II, Team-9A,
Vepery, Chennai.2nd Respondents/Complainant

Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., seeking to call for the records in Crl.M.P.No.3918 of 2015 in X Crime No.216 of 2015 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai and set aside the same.

For Petitioner : Mr.A.Ganesh

For Respondents: Mr.C.Iyyapparaj,
Govt. Advocate (Crl. Side) [R2]

O R D E R

This revision arises against the order of learned Chief Metropolitan Magistrate, Egmore, Chennai, passed in Crl.M.P.No.3918 of 2015 in X Crime No.216 of 2015 on 05.08.2015.

2. Heard learned counsel for petitioner and learned Government Advocate [Crl.side] for second respondent.

3. This Court perused the order under challenge.

4. Though in dismissing the bail petition, the Court below has informed that the earlier three petitions were dismissed and there was no change of circumstances to grant bail, this Court finds that in passing the order under challenge, the Court below has held as follows:

"6. Heard. Records perused. Admittedly, in this case, petitioner/A1 is in custody since 16.06.2015 i.e., for the past 51 days. The previous three bail applications filed by the petitioner/A1 were dismissed. This is the fourth bail application. The petitioner/A1 is stated to have permanent residence and job. So he may not abscond. There is no previous case or conviction against petitioner/A1. Hence, there is no bad antecedent. The main investigation against this petitioner would have been completed by this time. Custodial interrogation also over. Hence, further detention of petitioner/A1 is not necessary. The alleged documents used for the offence are said to have been already recovered and the same are in the custody of the police. So, it may not be possible for the petitioner/A1 to tamper the same."

5. Learned counsel for petitioner sought to impress upon us that the amount involved in this case is nearly Rs.7 crores and no recovery has been made and the first respondent had swindled the entire amount. This Court finds that the considerations informed by the Court below are not totally unreasonable. In fact, it was informed before the Court below that if the first respondent was enlarged on bail, no recovery would be made. Resort to criminal law is not to be had as a means to recover money due, if at all.

In the result, this Criminal Revision stands dismissed.

-s/d-
Assistant Registrar
True Copy

Sub-Assistant Registrar

vsm
To

1. The Chief Metropolitan Magistrate,
Egmore, Chennai.

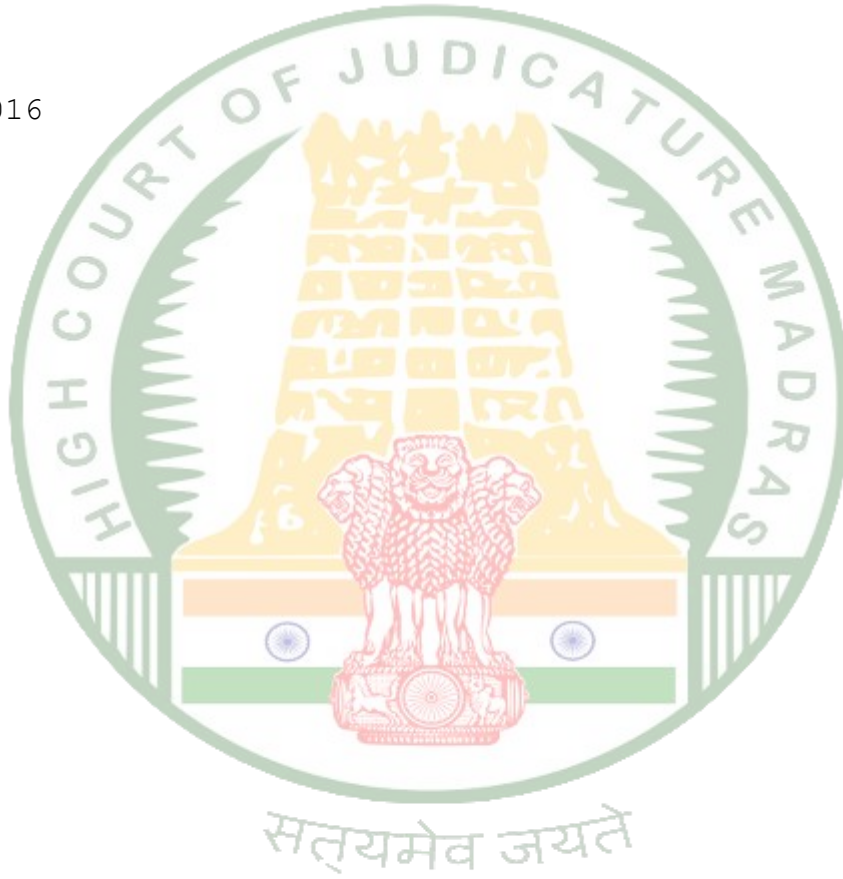
2. The Sub-Inspector of Police,
Central Crime Branch,
EDF-II, Team-9A
Vepary, Chennai

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.A.Ganesh Advocate sr.69223

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