

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.11.2015

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THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.841 of 2009

Chokalingam

S/o.Arunachalam

.. Petitioner/Defacto
Complainant

vs.

1.Antony Selvaraj
S/o.Maria Susai

2.State by
The Inspector of Police,
Seven Wells Police Station,
Seven Wells, Chennai.

.. Respondents/Accused &
Complainant

Criminal Revision filed under section 397 and 401 Cr.P.C.
against the judgment of learned Metropolitan Magistrate VIII,
George Town, Chennai, passed in C.C.No.3756 of 2006 on
24.10.2008.

For Petitioner : Mr.John Sathyan

For Respondents: Mr.C.Iyyapparaj,
Government Advocate [Crl.side] [R2]

सत्यमेव जयते
O R D E R

This revision is preferred against the judgment of learned
Metropolitan Magistrate VIII, George Town, Chennai, passed in
C.C.No.3756 of 2006 on 24.10.2008, acquitting the first
respondent of charges u/s.420 IPC.

2. The case of the prosecution is that one Krishnamurthy had
introduced the first respondent, a consultant in the Kamarajar
Foundation, to the petitioner on 31.05.2002. The allegation
against the first respondent is that he, under false promise of
obtaining a seat in the Teachers Training Institution for the
daughter of PW-1, received a sum of Rs.95,000/- from him. He
neither obtained a seat nor returned the money. When PW-1
demanded for return of money, the first respondent informed that

he had given a sum of Rs.95,000/- to PW-3 towards purchase of land and asked PW-1 to get the land registered in his name. First respondent has also executed an agreement [Ex.P1] to such effect. However, violating such agreement, the first respondent/accused got the land registered in his name. A case in Crime No.65 of 2005 on the file of second respondent was registered. Upon completion of investigation and filing of charge sheet informing commission of offence u/s.420 IPC, the case was tried in C.C.No.3756 of 2006 on the file of learned Metropolitan Magistrate VIII, George Town, Chennai.

3. Before the trial Court, the prosecution examined four witnesses and marked six exhibits. None were examined on behalf of the defence nor were any exhibits marked. On appreciation of materials before it, the trial Court, under judgment dated 24.10.2008, acquitted the first respondent. Hence, this revision.

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

5. In acquitting the first respondent, the trial Court reasoned thus:

- (i) PW-1, in chief, deposed to having given a sum of Rs.95,000/- to the first respondent towards obtaining a seat in the Teachers Training Institution. No proof there regards has been produced. Ex.P1, agreement, did not inform a right in the de facto complainant to execute in his favour a sale deed of property for which payment had been made by the accused. PW-1 has also admitted that he has not mentioned in the complaint that the money was given to the accused towards obtaining a seat in the Teachers Training Institution.
- (ii) Though PW-1 deposed to having known the accused through one Krishnamurthy and of having given a sum of Rs.95,000/- to the accused through him, such person has not been examined by the prosecution.
- (iii) The specific date of occurrence has not been mentioned. The Investigating Officer also has not mentioned the date of occurrence. He has merely informed that the occurrence had taken place prior to 24.12.2005. In such circumstance, the delay in preferring the First Information Report has not been explained by the prosecution.
- (iv) PW-2, relative of the de facto complainant, deposed that he did not know how much money had been given by PW-1 to the accused and that he came to know about the transaction only through the de facto complainant.
- (v) There were discrepancies in the complaint of the de facto complainant and his evidence regards the purpose of transaction. In the complaint, the de facto complainant informs of having given money to the accused towards registration of land in his favour, whereas in his evidence,

he has deposed to having given money towards obtaining a seat for his daughter in the Teachers Training Institution. This Court finds the reasoning of the trial Court in acquitting the first respondent/accused a well-justified one.

This Criminal Revision stands dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Metropolitan Magistrate VIII,
George Town,
Chennai.
- 2.The Inspector of Police,
Seven Wells Police Station,
Seven Wells,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.
4. The Section Officer, Criminal Section,
High Court, Madras.

+ 1 cc to Mr.R. John Sathyan, Advocate SR.64291

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