

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Crl.Revision Case No.784 of 2008
and
M.P.No.1 of 2008

1. Spanish Millstream Leather Private Ltd., having its registered office at B.-26, Phase-II, MEPZ Tambaram, Chennai 600 045.
 2. Sasikumar
Managing Director
Spanish Millstream Leather Private Ltd., No.2, Nathan Street
Harrington Road
Chennai 600 031.
 3. Mrs.Yuyvonne Sasikumar
Director of the Spanish Millstream Leather Private Ltd.,
No.2, Nathan Street, Harrington Road
Chennai 600 031. .. Petitioners
- vs
- Chava Barathkumar .. Respondent

Revision Petition filed under Sections 397 read with Sec. 401 of Cr.P.C. to call for the records in M.P.No.527 of 2008 in EOCC No.99 of 2006 dated 23.05.2008 passed by the learned Additional Chief Metropolitan Magistrate, E.O.II, Egmore, Chennai-8.

For Petitioner : Mr.V.Bhiman
for M/s.Sampathkumar Associates

For Respondent : Service awaited

ORDER

This revision is filed as against the dismissal of the discharge petition dated 23.05.2008 filed by the petitioners/accused in M.P.No.527 of 2008 in EOCC No.99 of 2006 before the learned Additional Chief Metropolitan Magistrate, E.O.II, Egmore, Chennai-8.

2. The case of the petitioners in brief is as follows:
<https://hcservices.ecourts.gov.in/hcservices/>

According to the petitioners, they have been arrayed as accused Nos.1 to 3 based on the complaint given by the respondent herein for the alleged offences under Section 200 Cr.P.C., r/w Sections 68, 621, 628 and 629A of the Companies Act, in E.O.C.C.No.99 of 2006. The main ground of attack made by the petitioners in this revision, is that the respondent/complainant was appointed as a Director in the petitioner's firm with effect from 05.01.2005 and only thereafter, he was allotted shares. According to the petitioners, there cannot be any inducement made by the petitioners 2 and 3 herein for investing in the shares. Earlier, the respondent/complainant filed a petition in M.P.No.1873 of 2007 to direct the respondents to produce the original letter dated 05.09.2004 pertaining to allotment of shares and that petition was dismissed vide order dated 31.10.2007 by holding that the same cannot be available with the petitioners herein. When that being so, the Court below had erred in dismissing the petition filed by the petitioners for discharging them from the offences alleged by holding that to prove whether there was any inducement or deceptive or attempts to induce the complainant to acquire shares, necessarily, the parties should undergo the ordeal of trial. Challenging the said order, the present revision is filed.

3. Though notice was served on the respondent, as early as 2008, till date the same has not been served and service is still awaited. Further, it is also seen from the deposition before the Court below that the respondent/complainant normally resides in United States of America and that he has also residence in Chennai. The matter is pending from the year 2008 before this Court, without even service being effected. Hence, the same is taken up for disposal on merits.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. On a careful perusal of the order passed by the Court below, it is seen that the Court below had clearly stated that inducement or deceptive or attempts to induce the complainant to acquire shares cannot be decided at this stage to discharge the petitioners from the offences alleged. Further, it is held that the matter is only at the preliminary stage. The respondent has given his deposition and marked certain documents on his behalf. The petitioners have also given their deposition. Under such circumstances, the Court below has dismissed the discharge petition.

6. In view of the above findings given by the Court below, without expressing any opinion on the merits of the matter, since the matter is pending from the year 2006, the Court below is directed to expedite the trial and dispose of the matter as expeditiously as possible.

7. With the above observation, this Criminal Revision Case is closed. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vj2
To

1. The Additional Chief Metropolitan Magistrate
E.O.II, Egmore, Chennai-8.

2. -do- Thro'the Chief Metropolitan Magistrate, Egmore, Chennai.

+ 1 cc to M/s. Sampathkumar, Advocate sr.28049

Crl.R.C.No.784 of 2008

KSJ(CO)
Eu 29.06.15



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