

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2016

CORAM:

THE HON'BLE DR.JUSTICE P.DEVADASS

CRL.R.C.No.278 of 2016

and

Crl.M.P.No.1922 of 2016

B.Rajagopal

.. Petitioner

vs.

State rep.by
The Inspector of Police
Special Police Establishment
Central Bureau of Investigation
Anti-Corruption Branch
Chennai.

.. Respondent

Criminal Revision Case filed under Sections 397(1) read with Sec. 401 of Cr.P.C r/w 27 of PC Act, 1988 against the order dated 17.12.2015 passed by the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai-8 [now at Moore Market Court Complex, Allikulam, Chennai 600 003] in Crl.M.P.No.861 of 2013 in C.C.No.15213 of 2008.

For Petitioner : Mr.A.V.Somasundaram
for M/s.Lakshmipriya
Associates

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor
[CBI cases]

O R D E R

A2 in C.C.No.15213 of 2008 on the file of the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai, aggrieved by the dismissal of his petition in Crl.M.P.No.861 of 2013 filed under Section 305 Cr.P.C has directed this revision.

2. A1 is M/s.Dhanalakshmi Consolidated Industries, Chennai. Apart from A1, there are A2 to A6. A2 is one Rajagopal. He is the petitioner herein. He is being prosecuted in C.C.No.15213 of 2008 as Managing Director of A1 for having committed offences under Section 120-B r/w 420, 467, 468 and 471 IPC.

3. In the trial court in CrI.M.P.No.861 of 2013 under Section 305 Cr.P.C, the petitioner raised the contention that he was not concerned with the day-to-day affairs of A1-Company, he was not a Director at the relevant period, so he shall be dropped from the case.

4. The prosecution contended before the trial court that A2 had also actively participated in the commission of the offence and as regards the plea raised by him, it is a matter to be considered by the trial court on appreciation of evidence.

5. Agreeing with the said stand of the prosecution, the trial court refused to drop A2 from the case and dismissed his petition. That is how, A2 is before us.

6. Both sides reiterated the very same contentions that they have placed before the trial court.

7. I have deeply considered their submissions, perused the impugned order and the relevant materials on record.

8. This calendar case started its career in the trial court as early as in 2008 with the title C.C.No.15213 of 2008. Copies under Section 207 Cr.P.C were furnished to the accused. Till date, no prosecution evidence was tendered because charges were not framed in this case. Now itself, A2 wants to bid farewell to this case. The stand taken by A2 is that he is a total stranger, unconnected, unconcerned with A1-company. It is a matter to be agitated with legal evidence, which would be decided by the trial court. This is what exactly the view taken by the trial court. Thus, the impugned order does not suffer from any legality or propriety. It cannot be faulted. No interference is called for.

9. In the circumstances, this petition is dismissed. The trial court is directed to proceed further in accordance with law, after giving due opportunity to both sides. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Additional Chief Metropolitan Magistrate,
Egmore,
Chennai,
[now at Allikulam, Chennai 600 003].
2. The Special Public Prosecutor,
[CBI Cases],
High Court,
Madras.
3. The Inspector of Police,
CBI/ACB/Chennai.

CRL.R.C.No.278 of 2016

mp (CO)
srg (20/04/2016)



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