

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

CrI.R.C.No.849 of 2016

and

CrI.M.P.Nos.6473 and 6474 of 2016

1.S.Parvez Ahmed
2.S.Javed Ahmed
3.S.Khurshid Ahmed

.. Petitioners

vs.

State by Inspector of Police,
Central Crime Branch,
Egmore, Chennai - 8.
Crime No.551 of 2007

.. Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against to call for the records in C.C.No.4080 of 2013, dated 29.03.2016, on the file of learned III Metropolitan Magistrate, George Town, Chennai and set aside the order passed in the Discharge Application in CrI.M.P.No.1295 of 2014 and discharge the petitioner of all the alleged offences in C.C.No.4080 of 2013, on the file of learned III Metropolitan Magistrate, George Town, Chennai.

For Petitioners : Mr.K.Suresh Babu

For Respondent :Mr.R.K.Madhan
Government Advocate (CrI.side)

ORDER

This revision is preferred against dismissal of a petition seeking discharge in Crl.M.P.No.1295 of 2014 in C.C.No.4080 of 2013 on the file of learned III Metropolitan Magistrate, George Town, Chennai, under orders dated 29.03.2016.

2. Petitioners face prosecution for offences u/s.120-B, 406, 420, 411 and 34 IPC. Prosecution case is that accused persons, who are partners in the firm M/s.S.B.International, approached *de facto* complainant bank and requested for overdraft and packing credit facility. Complainant bank has also sanctioned credit facility of Rs.2.05 crores and disbursed Rs.1.26 crores. The accusation is that the accused defaulted in repayment and on verification, complainant bank came to know that the documents produced by accused were forged. Against dismissal of discharge petition moved by accused, the present revision has been filed.

3. Heard learned counsel for petitioners and learned Government Advocate [Crl.side].

4. The sole contention raised before this Court by learned counsel for

petitioners is that petitioners, who are partners of firm, could not be prosecuted when such partnership firm had not been arrayed as an accused. While such contention may hold good under special enactments which provided for vicarious liability of Partners, Directors, etc., the same will not in cases of the present nature.

The Criminal Revision Case shall stand dismissed. Connected miscellaneous petitions are closed.

16.11.2016

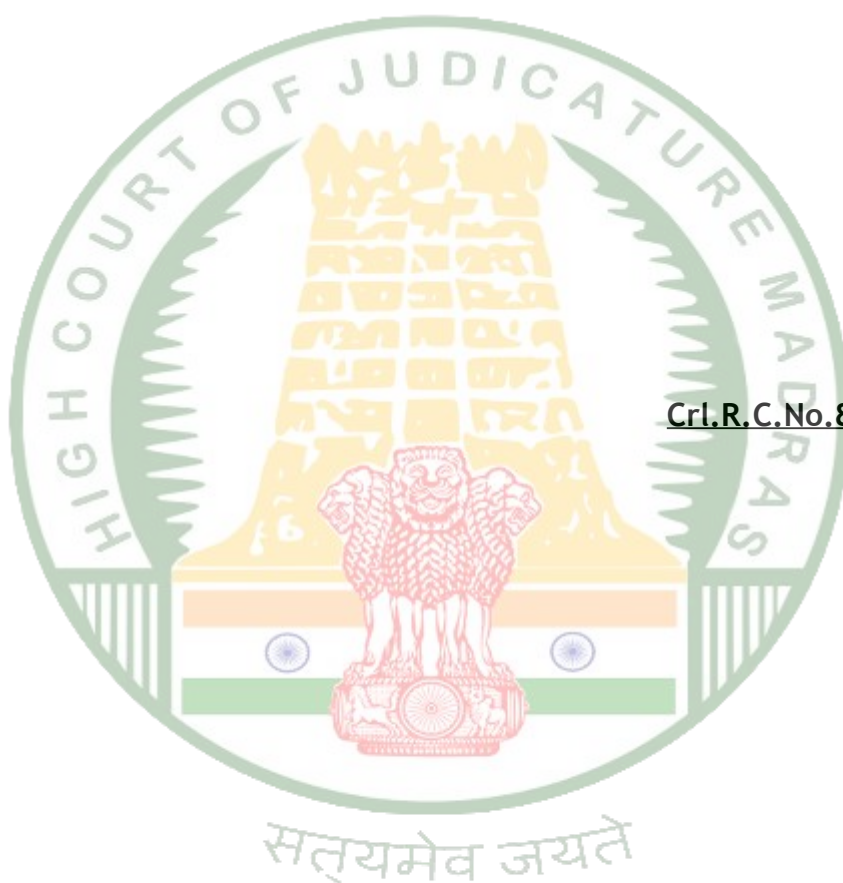
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To
The III Metropolitan Magistrate,
George Town, Chennai.



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C.T. SELVAM, J



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