

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.R.C.No.985 of 2012

Securities and Exchange

Board of India,

D' Monte Building III Floor,

32 D' Monte Colony,

T.T.K. Road, Alwarpet,

Chennai-18, represented by its

Assistant General Manager,

S.Dhakshinamurthy.

... Petitioner/Complainant

Vs.

1. Maxworth Orchards (India) Ltd.,

No.112, Sterling Road,

Nungambakkam,

Chennai 600 034.

2. E.Bhaskaran,

Director/Officer in charge,

Maxworth Orchards (India) Ltd.,

No.112, Sterling Road,

Nungambakkam,

Chennai 600 034.

3. A.L.Krishnakumar,

Director/Officer in charge,

Maxworth Orchards (India) Ltd.,

No.112, Sterling Road,

Nungambakkam,

Chennai 600 034.

4. Jafarullah Khan,

Director/Officer in charge,

Maxworth Orchards (India) Ltd.,

No.112, Sterling Road,

Nungambakkam,

Chennai 600 034.

... Respondents/Accused

Criminal Revision filed under Section 397 r/w 401 Cr.P.C., to set aside the judgment and order dated 13.04.2010 passed in C.C.No.7298 of 2001 on the file of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai.

For Petitioner : Mr.C.Prasanna Venkatesh
Mr.R.Shankara Narayanan(Amicus Curie)

O R D E R

This criminal revision is directed against the judgment and order dated 13.04.2010 passed in C.C.No.7298 of 2001 on the file of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai.

2. For the sake of convenience, the petitioner and the respondents will be referred to as complainant and accused, respectively.

3. The facts of the case in brief are as under:

3.1 The complainant initiated a prosecution in C.C.No.7298 of 2001 before the XXIII Metropolitan Magistrate, Saidapet, Chennai, against the accused, alleging that they had failed to register themselves under the Securities and Exchange Board of India (Collective Investment Schemes) Regulations, 1999, which came into force in 1999.

3.2 The complaint was taken on file by the learned Magistrate and no effective steps were taken by the complainant to even identify the accused and serve summons on them. The trial Court had also issued warrants for execution, but, to no avail.

3.3 After waiting for a period of nine years, the trial Court dismissed the complaint on 13.04.2010, by passing the following order:

"Complainant present. Accused called absent.
This case is pending from 2001 without steps.
Several opportunities were given to the complainant. But steps not taken. Hence considering the pendency and steps not taken from 2004, this complaint is dismissed for steps not taken under Section 204 Cr.P.C."

3.4 Challenging the aforesaid order, the complainant is before this Court under Section 397 r/w 401 Cr.P.C.

4. This revision has been pending from 2012 and we are now in 2019. The complainant has not been able to serve summons on

the accused. Under Section 401 (2) Cr.P.C., no order prejudicial to the interest of the accused can be passed by this Court. No useful purpose will be served by keeping this criminal revision indefinitely, especially when it is not known whether the accused are dead or alive.

Hence, this criminal revision is dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nsd
To

The XXIII Metropolitan Magistrate,
Saidapet,
Chennai - 600 015.

+1cc to M/s.C.Prasanna Venkatesh, Advocate Sr.86612

Cr1.R.C.No.985 of 2012

srg 09/12/2019

सत्यमेव जयते

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