

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.R.C.No.986 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. Monarch Orchards Ltd.,

Monarch House,

No.36, Sathya Tulasi,

Motilal Nehru Nagar,

Begumpet,

Hyderabad-500 016.

2. K.Naganna,

Director/Officer in charge,

Monarch Orchards Ltd.,

Plot No.281, Road No.2,

Arunodayanagar Colony,

LB Nagar, Ongole,

Hyderabad.

3. Smt.K.Varalakshmi,

Director/Officer in charge,

Monarch Orchards Ltd.,

Plot No.281, Road No.2,

Arunodayanagar Colony,

LB Nagar, Ongole,

Hyderabad.

4. M.Nagendra Vishnu Vardhan,
Director/Officer in charge,
Monarch Orchards Ltd.,
Plot No.281, Road No.2,
Arunodayanagar Colony,
LB Nagar, Ongole,
Hyderabad.

.. 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.8804 of 2002 on the file of the XXIII Metropolitan
Magistrate Court, Saidapet, Chennai.

For Petitioner : Mr.C.Prasanna Venkatesh
M/s.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.8804 of 2002 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.8804
of 2002 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 eight years, the trial
Court dismissed the complaint on 13.04.2010, by passing the
following order:

"Complainant present. Accused called
absent. Steps not taken. This complaint is
pending from 2002 without any steps.

Sufficient opportunities were given to the complainant for steps. 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.

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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.86614

Cr1.R.C.No.986 of 2012

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