

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.R.C.No.988 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. M.Khasim Ali,

Director/Promoter,

Supreme Forests India Ltd.,

H.No.10-5-64/1/A,

Srimanagar Colony,

Hyderabad - 28.

2. K.Venkata Rao,

Director/Promoter,

Supreme Forests India Ltd.,

H.No.22-134, Plot No.10,

Udaya Nagar Colony,

Hyderabad - 60.

... 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.10500 of 2003 on the file of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai.

For Petitioner : Mr.C.Prasanna Venkatesh

M/s.R.Shankara Narayanan (Amicus Curiae)

O R D E R

This criminal revision is directed against the judgment and order dated 13.04.2010 passed in C.C.No.10500 of 2003 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.10500 of 2003 before the XXIII Metropolitan Magistrate, Saidapet, Chennai, against Supreme Forests India Ltd., (A1) and its Directors (A2 to A6), 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 Summons were served on AA 1, 2, 3 and 6 and they entered appearance, whereas, the complainant was not able to serve summons on AA 4 and 5.

3.3 Under such circumstances, the trial Court passed the following order:

" Complainant Present. AA 1, 2, 3 and 6 absent. 317 Cr.P.C. petition filed and allowed. AA 4 and 5 steps not taken. Sufficient opportunities were given. Hence, this complaint against AA 4 and 5 dismissed as steps not taken under Section 204 Cr.P.C. C/o. 25.06.2010.

25.06.2010: Complainant Absent. 256 Cr.P.C. petition filed and allowed. AA 1, 2, 3 and 6 Absent. 317 petition filed and allowed. For appearance AA 1, 2, 3 and 6, C/o. 27.07.2010."

सत्यमेव जयते

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. However, the trial Court is directed to proceed with the trial in C.C.No.10500 of 2003 as against the accused, who have entered appearance.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

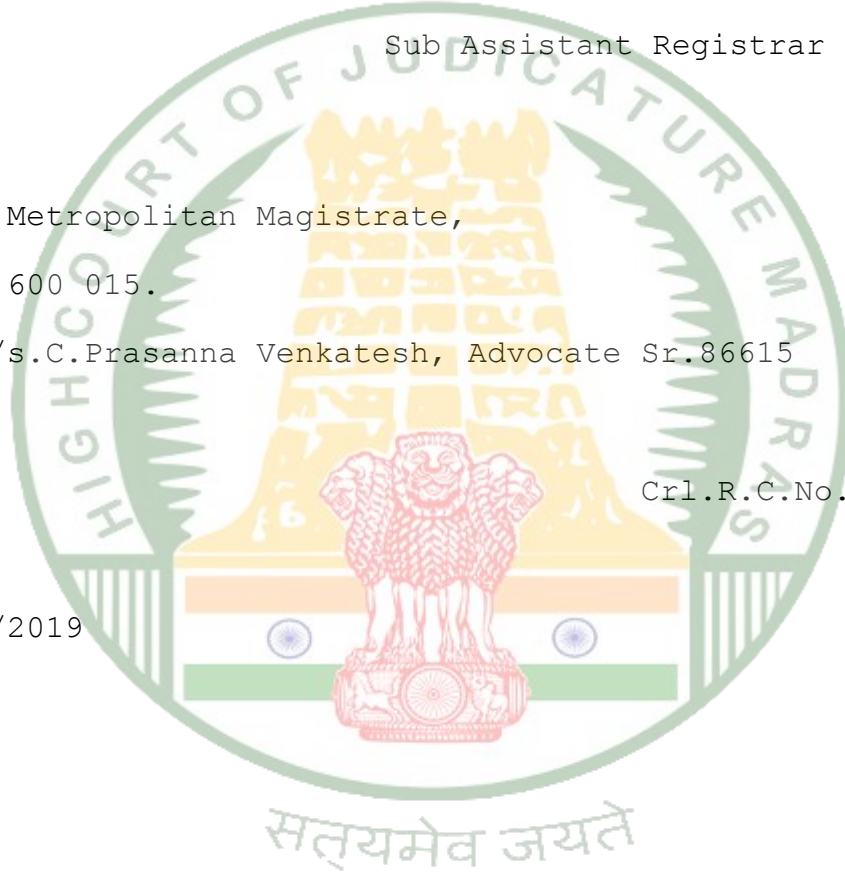
nsd
To

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

+1cc to M/s.C.Prasanna Venkatesh, Advocate Sr.86615

Cr1.R.C.No.988 of 2012

rr[col]
srg 09/12/2019



WEB COPY