

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.R.C.No.990 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/s.Bhargava Rama Agro
Plantations Pvt. Ltd.,
D.No.4-43, Lingamparthy,
Yelesaram mandal 553 429.
E.G. District.
Andhra Pradesh.

2. S.D.Venkata Subha Raju,
Director,
M/s.Bhargava Rama Agro
Plantations Pvt. Ltd.,
D.No.4-43, Lingamparthy,
Yelesaram mandal 553 429.
E.G. District.
Andhra Pradesh.

सत्यमेव जयते 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.11044 of 2003 on the file of the XXIII Metropolitan
Magistrate Court, Saidapet, Chennai.

For Petitioner : Mr.C.Prasanna Venkatesh
Mr.R.Sankara Narayanan
(Amicus Curiea)

O R D E R

This criminal revision is directed against the judgment and order dated 13.04.2010 passed in C.C.No.11044 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.11044 of 2003 before the XXIII Metropolitan Magistrate, Saidapet, Chennai, against Bhargava Rama Agro Plantations Pvt. Ltd., (A1) and its Director S.D.Venkata Subha Raju (A2), 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 seven 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. Steps not taken. Fresh summons pending from 2003. Hence the complainant is given sufficient opportunities for steps. Sufficient opportunities were given. Hence 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.

5. On reading the complaint, it appears that the accused carried on with their business in Andhra Pradesh and there is no averment in the complaint to show that the XXIII Metropolitan Magistrate Court had the territorial jurisdiction to try the case. 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 with liberty to the complainant to file a fresh complaint before the appropriate jurisdictional Court in Andhra Pradesh, if so advised.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nsd

To

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

+lcc to M/s.C.Prasanna Venkatesh, Advocate Sr.86617

सत्यमेव जयते Cr1.R.C.No.990 of 2012

srg 09/12/2019

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