



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Criminal Revision Case (MD).No.684 of 2016
and
Crl.M.P.(MD).No.9573 of 2016

M.Mohamed Omar

... Petitioner/Accused

Vs.

State through the
Inspector of Police,
CBI - EOW / Chennai,
Crime No.RC.6/E/2011
of CBI /EOW.

... Respondent

Prayer: The Criminal Revision case is filed under Section 397 r/w. 401 of the Code of Criminal Procedure against the order dated 22.08.2018 passed in Crl.M.P.No.77 of 2014 in C.C.No.3 of 2012 on the file of the learned Chief Judicial Magistrate, Madurai.

For Petitioner	:	Mr.A.P.Athithan
For Respondent	:	Mr.N.Nagendiran
		Special Public Prosecutor for CBI Cases

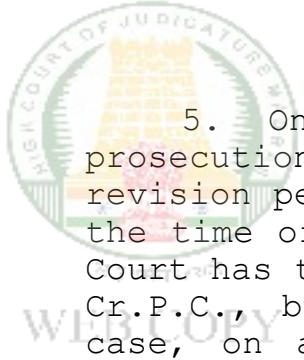
O R D E R

The Criminal Revision Petition is filed against the order passed by the learned Chief Judicial Magistrate, Madurai in Crl.M.P.No.77 of 2014 in C.C.No.3 of 2012, dated 22.08.2018.

2. The revision petitioner is originally arrayed as A15. Subsequently, he has been arrayed as A14 and according to the petitioner, Mohamed Omar is shown as Proprietor of M/s. SES Company. Since he is a Proprietor of M/s. SES Company, he has been arrayed as A14.

3. The learned counsel appearing for the petitioner would submit that absolutely there is no material evidence to show that the said Mohamed Omar is a Proprietor of SES Company and the only material shows that this revision petitioner has not co-operated with the investigation agency.

4. But the learned Special Public Prosecutor for CBI Cases would submit that the conspiracy involved and there is no material to show that the said Mohamad Omar has involved in the alleged conspiracy.



5. On reading of the entire materials produced by the prosecution under Section 173 of Cr.P.C., no material shows that the revision petitioner/A14 being involved in the offence. Therefore, at the time of deciding the petition under Section 239 of Cr.P.C., the Court has to see the materials records produced under Section 173 of Cr.P.C., but not the defence taken by the accused. So, in this case, on a perusal of the entire material records filed by the prosecution under Section 173 of Cr.P.C., no material to show that the said Mohamed Omar is a Proprietor of SES Company and also he has involved in this offence. Therefore, in the absence of all the materials, there is no *prima facie* case made out against the revision petitioner. Therefore, the revision petitioner / A14 is discharged from the main case.

6. In the result, the Criminal Revision Petition is allowed and the order passed by the learned Chief Judicial Magistrate, Madurai in Crl.M.P.No.77 of 2014, dated 22.08.2016 is set aside.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

Akv

To

1. The Chief Judicial Magistrate,
Madurai.
2. The Inspector of Police,
CBI - EOW / Chennai,
Crime No.RC.6/E/2011
of CBI /EOW.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.P.ATHITHAN, Advocate (SR-43291[F] dated 29/01/2019)

Crl.R.C. (MD) .No.684 of 2016
29.01.2019

CS (30/05/2019) 2P 5C