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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2021

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Criminal Revision Case No.171 of 2021 and
Criminal Appeal No.176 of 2021 and
Crl.M.P.No.3828 of 2021

I.P.Yesudoss
Founder & President of Aphro Trust
Having office at
No.27/49, 5th Main Road
3rd Layer, Teachers Colony
Kolathur, Chennai - 600 099.

.... Petitioner/Respondent/ Accused No.1
in Crl.R.C.No.171 of 2021

... Appellant/Petitioner/Accused No.1
in Crl.A.No.176 of 2021

Vs.

The State Represented by
Superintendent Of Police
Economic Offences Wing-II (Hqrs),
Guindy, Chennai

... Respondent/Petitioner/Complainant
in Crl.R.C.No.171 of 2021

... Respondent / Respondent / Complainant
in Crl.A.No.176 of 2021

Prayer in Crl.R.C.No.171 of 2021 : Criminal Revision filed under Section 397 (1) read with 401 of Criminal Procedure Code, praying to call for records and set aside order passed in Crl.M.P.No.3025 of 2021 in C.C.No.4479 of 2017 on the file of the Hon'ble Chief Metropolitan Magistrate, Egmore at Chennai.

Prayer in Crl.A.No.176 of 2021 : Criminal Appeal filed under Section 341 of Criminal Procedure Code, praying to allow this appeal by setting aside the order passed in Crl.M.P.No.16242 of 2020 in C.C.No.4479 of 2017 on the file of the Hon'ble Chief Metropolitan Magistrate, Egmore at Chennai.

In both the petitions:

For Petitioner : Mr.I.P.Yesudoss
& appellant Party in Person



For Respondent : Mr.S.Sugendran
Government Advocate (Crl.Side)

ORDER

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This Criminal Revision in Crl.R.C.No.171 of 2021 has been filed seeking to set aside the order passed in Crl.M.P.No.3025 of 2021 in C.C.No.4479 of 2017 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai.

This Criminal Appeal in Crl.A.No.176 of 2021 has been filed seeking to set aside the order passed in Crl.M.P.No.16242 of 2020 in C.C.No.4479 of 2017 on the file of the Hon'ble Chief Metropolitan Magistrate, Egmore at Chennai.

2. The respondent police registered a case against the petitioner and others for the offences punishable under Sections 109, 409, 420, 120B IPC. After completing investigation the respondent police filed a charge sheet, which was taken on file in C.C.No.4479 of 2017 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai. Pending trial, the respondent police filed a petition in Crl.M.P.No.3025 of 2021 before the learned Chief Metropolitan Magistrate, Egmore, Chennai, seeking permission for alteration of charges and the amount and the number of victims stated in the charge sheet. The learned Chief Metropolitan Magistrate, Egmore, Chennai, has allowed the petition filed by the respondent police by order dated 25.02.2021, challenging the same, the petitioner/accused has filed the present revision before this Court.

3. Further, pending trial, the petitioner has also filed a petition in Crl.M.P.No.16242 of 2020 seeking to take action against the prosecution and the same was dismissed by order dated 08.02.2021 and challenging the dismissal order, the petitioner has filed the present criminal appeal.

4. This Court on earlier occasion had directed Mr.Manickam, Retired District Judge who was appointed as Commissioner to file a detailed report as to whether he has handed over all the documents to the Investigating Agency.

5. Now the report has been received from Mr.Manickam, Commissioner/Retired District Judge in which, it is stated that he has handed over all the documents on 03.08.2016 to the Superintendent of Police, Economic Offences Wing-II (Head Quarters), Chennai.

6. The Superintendent of Police, Economic Offences Wing-II (Head Quarters), Chennai, is directed to submit all the papers



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before the Chief Metropolitan Magistrate, Egmore, Chennai, within 15 days from the date of receipt of a copy of this order. After receipt of the same, the learned Magistrate is directed to serve the copies of the papers to the petitioner on the expenses of the petitioner.

7. Since, the offence involved is an economic offence, the petitioner is not entitled for free copies as the documents are in volume and the Commissioner/Retired District Judge has stated that the documents are kept in 5 trunk boxes. Therefore, the petitioner has to bear the cost to get all the copies of the documents.

8. The learned Chief Metropolitan Magistrate, Egmore, Chennai, is directed to verify and calculate the expenses for the copies and inform the same to the petitioner within a week from the date of receipt of documents and the petitioner shall deposit the same within 15 days thereafter and on such deposit, the learned Chief Metropolitan Magistrate is directed to supply all the copies of the documents to the petitioner within 15 days from the date of deposit. All these exercises should be completed within two months from the date of receipt of a copy of this order. After furnishing the copies to the petitioner, the learned Chief Metropolitan Magistrate is directed to proceed the case in accordance with law and since the matter is pending from the year 2012 onwards and public money is involved, the learned Chief Metropolitan Magistrate, Egmore, Chennai, is directed to dispose of the case in C.C.No.4479 of 2017 within a period of six months from the date of receipt of a copy of this order.

9. With the above observations, this Criminal Revision case and the Criminal Appeal are disposed of. Consequently, connected miscellaneous petition is closed.

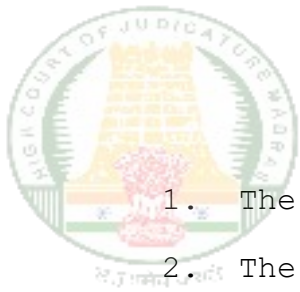
Sd/-
Assistant Registrar(CO)

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Sub Assistant Registrar

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To



1. The Chief Metropolitan Magistrate, Egmore, Chennai.
2. The Superintendent Of Police
Economic Offences Wing-II (Hqrs),
Guindy, Chennai
3. The Public Prosecutor Officer, High Court, Madras.
4. The Section Officer, Criminal Section, High Court, Madras.

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SR-II (CO)
CT(16/08/2021)