



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.832 of 2021

and

Crl. M.P(MD)No.9715 of 2021

1.R.Ganesan

2.S.Muruganantham

.. Petitioners/
Petitioners/
Accused No. 3 & 6.

Vs.

The Inspector of Police,
CBI, E.O.W. Chennai.

In FIR No.RC/9/E/2016/CBI/EOW/Chennai. .. Respondent/
Respondent/
Complainant

Prayer : Revision Case is filed under Sections 397 r/w. Section 401 Cr.P.C., to call for the records pertaining to the order dated 01.09.2021 passed in Cr.M.P.No.460 of 2018 in C.C.No.2 of 2017 on the file of the Chief Judicial Magistrate, Madurai and set aside the same.

For Petitioners : Mr.A.Jayaramachandran
For Respondent : Mrs.Victoria Gowri,
Assistant Solicitor General of India.

ORDER

This Criminal Revision has been filed against the order dated 01.09.2021 passed in Cr.M.P.No.460 of 2018 in C.C.No.2 of 2017 on the file of the Chief Judicial Magistrate, Madurai.

2. The petitioner filed the petition in Cr.M.P.No. 460 of 2018 in C.C.No. 2 of 2017 before the Chief Judicial Magistrate, Madurai. That petition was dismissed by the Chief Judicial Magistrate for non prosecution. Against that order, the petitioner has preferred this Criminal Revision Petition.

3. On the side of the revision petitioner, it is stated that totally seven accused in the case and the petitioners herein are A3 and A6. Only the prosecution sought through the petition and it is not the petitioner, to cause the delay, in the petition. Even on the date of order 317 petition was allowed by the trial Court. These are no services tack against the petitioner. The petitioners are



only partners in the firm and the allegations are only against the second accused and pray the impugned order to be set aside and the matter to be remitted back to the trial Court, for fresh disposal, on merits.

4. On the side of the prosecution, it is stated that the prosecution has filed the counter in this petition on 05.09.2018 itself and the petitioner did not come forward to argue the petition, even when the matter was adjourned, under the caption "no further adjournment". In the impugned order itself, it is particularly mentioned that there was no representation for the petitioner on the previous hearing date also. The money involved in the offence is approximately nine crores and the charge against the third accused is for Rs.2.71 crores and against A6, is for Rs.6 crores and the case require a detail enquiry.

5. On the side of the petitioner, it is stated that the copy of the online case detail extract reveals that the counsel for the petitioner has filed 317 petition on that date and the petition was allowed which reveals that the counsel was ready on that date and it was the prosecution sought for adjournment at the date of impugned order and a fair chance for the petitioner to argue in the discharge petition is to be given, in the interest of justice.

6. A perusal of the case details reveals that at the stage of framing charges, a discharge petition was filed on 25.05.2018. It is stated that the prosecution filed the counter in the month of September 2018 itself. It is seen that the counsel for the petitioner was available on the date of hearing. But, he was not ready for arguments, though the matter was posted under the caption "No further adjournment". It is mentioned by the trial Court in the impugned order that even on the previous hearing date, there was no representation for the petitioner. On 04.08.2021 in the diary status it is mentioned that there was no representation for the petitioner. The money involved in the offence is more than nine crores.

7. In view of the above circumstances, this Court is not inclined to allow the petition. This Criminal Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



mga/csm

Crl. R.C.(MD)No.832 of 2021

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Chief Judicial Magistrate,
Madurai.

2.The Inspector of Police,
CBI, E.O.W. Chennai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**Cr1.R.C. (MD)No.832 of 2021
and
Cr1.M.P (MD)No.9715 of 2021
16.11.2021**

SJ(CO)
SB(30.11.2021) 3P 4C