



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

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THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.R.C.No.399 of 2022
and
Crl.M.P.No.4191 of 2022

1. Aphro Trust,
Rep. By Mr.I.P.Yesudoss,
No.27/49, 5th Main Road,
3rd Layout, Teachers Colony,
Kolathur, Chennai - 600 099.
2. IPEE Foundation,
Rep. By Mr.I.P.Yesudoss,
No.27/49, 5th Main Road,
3rd Layout, Teachers Colony,
Kolathur, Chennai - 600 099.
3. Mr.I.P.Yesudoss
Founder & President of Aphro Trust,
No.27/49, 5th Main Road,
3rd Layout, Teachers Colony,
Kolathur, Chennai - 600 099.

... Revision Petitioners/
Accused Nos.1 to 3

Vs.

State Rep. By
The Superintendent of Police,
Economic Offences Wing-II (Hqrs),
Guindy, Chennai. (Cr.No.9/16)

... Respondent

Prayer: Criminal Revision Case filed under Section 397 (1) r/w 401 of the Code of Criminal Procedure, to call for the records and set aside the order dated 09.02.2022 passed in Crl.M.P.No.1318 of 2022 in C.C.No.7275 of 2019 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai.

For Revision Petitioners : Mr.I.P.Yesudoss
Party-in-Person

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



O R D E R

This Criminal Revision Case has been filed to call for the records and set aside the order dated 09.02.2022 passed in CrI.M.P.No.1318 of 2022 in C.C.No.7275 of 2019 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai.

2. The case of the revision petitioners is that, the petitioners 1 to 3 are arrayed as Accused Nos.1 to 3 in CC No.7275 of 2019 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai. As of now, in the above referred case, after framing charge under Sections 406, 420, 409 and 120 (b) of IPC and 409 r/w 109 IPC, as against the petitioners, the trial Court examined number of witnesses and posted the case, for examination of further prosecution side evidence. In the said circumstances, the petitioners herein filed an application under Section 45 of the Indian Evidence Act, 1872 seeking the relief to send Ex.P79, to Forensic Science Department for getting expert opinion.

3. The learned Chief Metropolitan Magistrate, Chennai, after affording an opportunity to either side, by order dated 09.02.2022, dismissed the application as during the time, when Ex.P79 was marked as an exhibit, there was no objection on the side of the petitioners and therefore, it would not be necessary to forward the same for obtaining the expert opinion.

4. Today, when this Criminal Revision Case came up of admission, the Mr.I.P.Yesudoss, party-in-person appeared before this Court on behalf of the revision petitioners and made submission as the signature found in Ex.P79 is a fabricated one and therefore, it would be necessary to send the said document for expert opinion.

5. Now, on considering the said submission with the relevant records, admittedly, the said document i.e. Ex.P79, has been marked as an exhibit through PW26-Vasanthi and on going through the evidence given by the said Vasanthi before the trial Court, she has stated that for the deposit of Rs.56,000/- made on 03.09.2015, by one Kayalvizhi on behalf of the ten members of Omsakthi Women Self Help Group, the said receipt has been issued by the accused. After marking the document as Ex.P79 as above, during her cross examination, on the side of the accused, nothing was suggested that the document is a forged one.

6. Apart from that, hundreds of receipts issued in a similar situation were also exhibited through PW26. Therefore, without raising objection with regard to the said document while at the time of marking the same as an exhibit, now, filing an



application for getting an expert opinion is unnecessary. More than that, on going through the whole case projected by the prosecution, all the receipts alleged to be issued by the accused are in the name of IPEE Foundation. Therefore, disputing a single document is unnecessary. The learned Chief Metropolitan Magistrate has traversed in the same lines and found that the petition filed by the petitioner is not having any merits and ultimately, dismissed the same.

7. Accordingly, this Court is not inclined to grant the relief sought for by the revision petitioners and the Criminal Revision Case in Crl.R.C.No.399 of 2022 stands dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

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,
High Court, Madras.

Crl.R.C.No.399 of 2022

SPD (CO)
SU (06/04/2022)