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Crl.RC.No.1457 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

Coram:

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

Criminal Revision Case No.1457 of 2022

1.M/s.Fund Management Services of India Private Limited,
Represented by its Director R.Venkataramanan,
Flat No.2 F1, Kalyan, No.4 Atkinson Road,
Vepery, Chennai – 600 007.

2.M/s.Intel Registry Services Private Limited,
Represented by its Director P.Augustine,
Flat No.224, Desika Road,
Chennai – 600 004.

3.M/s.Matrix Financial Services Limited,
Represented by its Director P.Augustine,
D1, Srishti Cresendo, 24, Desika Road,
Chennai – 600 004.

4.M/s.Money Market Services (India) P Ltd,
Represented by its Director P.Augustine,
D1, Srishti Cresendo, 24, Desika Road,
Chennai – 600 004.

... Petitioners

Vs.

The State represented by
Deputy Superintendent of Police,
Economic Offences Wing-II,
Guindy, Chennai – 32.

... Respondent



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Prayer: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, to set aside the order dated 16.02.2022 framing charges for offences under Sections 406, 420, 120B, 468, 471, 409 r/w 109 IPC and Section 5 of the TNPID Act in CC.No.6 of 2020 on its file in so far as the petitioners are concerned.

For Petitioners	: Ms.K.Panjalakshmi
For Respondent	: Mr.S.Sugendran
	Additional Public Prosecutor

ORDER

The Criminal Revision Case has been filed seeking to set aside the impugned order passed by the Special Court, Chennai in CC.No.6 of 2020 dated 16.02.2022.

2. The respondent police registered the case against the 34 accused persons including the petitioners herein in Crime No.5 of 2013 for the offences under Section 406, 420, 120B, 468, 491, 409 r/w 109 of IPC and also Section 5 of the TNPID Act.

3. After investigation, the respondent police laid the charge sheet



before the Special Court. The Special Court taken charge sheet on file in CC.No.6 of 2020. After considering the materials, the Special Court framed seven charges against all the accused.

4. In this case, first petitioner has been arrayed as A22, second petitioner has been arrayed as A23, third petitioner has been arrayed as A24 and fourth petitioner has been arrayed as A25. Already charges have been framed and trial also commenced. At this stage, the petitioners have filed the present revision challenging the charges framed against these petitioners.

5. Challenging the charges framed by the Special Court, the revision petitioners herein have filed the present Revision petition stating that there are no materials against these petitioners to frame the charges against them.

6. The learned counsel for the petitioners would submit that the trial court failed to appreciate that the basic ingredients of the offence were not made out. He would further submit that the trial Court has framed the charges without stating any reason against the petitioners and it failed to note that there were no materials to frame the charges against these



petitioners. Therefore, the petitioners pray to set aside the charges framed against them.

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7. The learned Additional Public Prosecutor would submit that LW 570, 571, 573 to 578, 581 to 584, 586 and 587 have stated about the involvement of first petitioner/A22 in their 161 statement. LW 574 to 578, 581 to 584 and 586 have stated about the involvement of second petitioner/A23 in their 161 statement. LW 575 to 587 have stated about the involvement of third petitioner/A24 in their 161 statement. LW 575 to 578, 581 to 584, 586 and 587 have stated about the involvement of fourth petitioner/A25 in their 161 statement.

8. On a perusal of the statements of witnesses recorded by the investigating officer during the investigation under Section 161(3) of the Cr.P.C, the Special Court framed totally seven charges against the accused persons including these petitioners. He would further state that while framing the charges, the Court need not give any reason for framing the charges. If the Court finds that sufficient materials are available to frame the charges, it could frame the charges and therefore, the trial court rightly



framed the charges.

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9. It is further submitted that some of the accused have approached this Court and some of the accused have approached the Hon'ble Supreme Court. However, the Hon'ble Supreme Court dismissed those petitions with a direction to the trial Court to frame the charges against the accused persons and conduct trial on the day-to-day basis. Accordingly, the prosecution has started to examine their side witnesses. Almost all the witnesses have been examined in chief and now the investigating officer has been put to examine as last witness on the side of the prosecution. In order to protract the trial, the accused collided with filing petition one after another. He would further submit that since, there are sufficient materials to frame the charges, the trial Court framed the charges and therefore, there is no merit in this case and this petition is liable to be dismissed.

10. Heard the learned counsel for both sides and perused the materials available on records.

11. Admittedly, the respondent police registered the case against 34



accused persons including the petitioners in Crime No.5 of 2013. After the investigation, the Special Court taken charge sheet on the file in CC.No.6 of 2020. On considering the materials placed by the investigating officer and the final report filed under Section 173 of Cr.P.C, there are incriminating materials available against these petitioners to implicate them in this case and hence, the Special Court framed the charges. It is a settled proposition of law that at the time of framing the charge, if the trial Court finds from the final report filed by the investigating officer under Section 173 of Cr.P.C, *prima facie*, if any incriminating materials are available against the petitioners, the trial court can frame the charges. At the time of framing the charges, the trial Court has to consider only the report under Section 173 of Cr.P.C and annexure therein and not the defense taken by accused. It is not necessary for the trial Court to conduct a roving enquiry or look into the defense of the accused or find out the materials to convict the accused while framing the charges. If the trial Court comes to the conclusion that there are *prima facie* materials available in the charge sheet, they can frame the charges. In case, the trial Court has not found any materials to frame the charges, then it comes to the conclusion that the accused has to be discharged and then only the reason should be given for discharging the



accused from charges, which is nothing but acquittal. However, for framing the charges, the trial Court need not give any reason for framing the charges.

In the case on hand, the trial Court has found out that there are materials available in the report submitted by the investigating officer under Section 173 Cr.P.C and proceeded with framing of charges. Therefore, there is no merit in the case and it is liable to be dismissed.

12. As per the direction of the Hon'ble Supreme Court, the trial Court is conducting the trial on day-to-day basis. The petitioners are directed to co-operate with the trial Court to dispose the case within a stipulated time.

13. With the above direction, the Criminal Revision case is dismissed.

03.11.2022

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To

1.The Special Court under TNPID Act,
Chennai – 600 104.

2.The Deputy Superintendent of Police,
Economic Offences Wing-II,
Guindy, Chennai – 32.

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P.VELMURUGAN,J.

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