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Crl.R.C.No.987 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.987 of 2021

1. A.Dhanalakshmi
2. V.Anandan

.. Petitioners

Vs

1. State Rep. by
The Inspector of Police
Central Crime Branch, Team-10
Video Piracy Cell
Chetpet, Chennai 31.
(CCB Crime No.92 of 2019)

2. K.T.Shanthi
Executive Engineer
TNHB, JJ Nagar Division
Thirumangalam, Chennai 101.

.. Respondents

Prayer: Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to call for records pertaining to the order dated 20.09.2021 and made in Crl.M.P.No.3177 of 2021 in C.C.No.53 of 2021 on the file of the Judicial Magistrate, Court No.1, Poonamallee, and set aside the same and discharge the petitioners from the above criminal proceedings.



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For the Petitioner : Mr.V.R.Appaswamee
For the Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

This Criminal Revision is filed against the order dated 20.09.2021 in Crl.M.P.No.3177 of 2021 in C.C.No.53 of 2021, whereby, the learned Judicial Magistrate - I, Poonamallee, had dismissed the discharge application filed by the petitioners.

2. The gist of allegations as per the case of the prosecution is that, in respect of the plot allotted to the person who is residing in Delhi, all the accused persons conspired together and set up A4 to impersonate as if he was the allottee, and by using his photograph and signature created a document by way of Power of Attorney and further the second petitioner was constituted the Power of Attorney, who in turn, sold the property in the name of the first petitioner, who is his wife.

3. Learned counsel appearing for the petitioners would submit that even from the case of the prosecution, it is clear that A1 is not the person who impersonated, A4 is the person who impersonated and that in fact



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executed the Power of Attorney. As a matter of fact, A1 is a bona fide purchaser and by the strength of the Power of Attorney, he had executed the sale deed in favour of his wife.

4. Learned Government Advocate (Crl. Side), per contra, would contend that, perusal of the final report filed along with the statements, it will be clear that the first petitioner herein is arrived as A1 and who is the kingpin who conspired with everyone else and committed the offence.

5. I have considered the submissions made on behalf of both the sides and perused the records of this case.

6. At this stage of discharge application, the contention that the petitioner is only the bona fide purchaser cannot be taken into account, as the statements collected during the investigation shows otherwise. It is for the petitioners by way of cross examination and letting in their evidences to prove that they are bona fide purchasers and that can be done only at the time of trial and at the time of framing of charges. The same cannot be taken into account for the purpose of discharging the petitioners and therefore, I am of the view that the Trial Court has rightly dismissed the discharge



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application.

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7. In view of the above, this Criminal Revision is dismissed as without any merits but, however, the petitioners are entitled to raise all their defenses before the Trial Court during the time of trial. Consequently, Crl.M.P.No.13126 of 2021 is also closed.

Index : yes/no
Speaking/Non-speaking order
drm

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To

1. The Judicial Magistrate - I, Poonamallee.
2. The Inspector of Police
Central Crime Branch, Team-10
Video Piracy Cell
Chetpet, Chennai 31.
(CCB Crime No.92 of 2019)
3. The Public Prosecutor
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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