



Crl.R.C.No.1154 of 2023
and Crl.M.P.Nos.9058 & 9060 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.R.C.No.1154 of 2023
and Crl.M.P.Nos.9058 & 9060 of 2023

M.Karthikeyan

... Petitioner

Vs.

1.State Rep. by
The Deputy Superintendent of Police,
Economic Offences Wing II,
TNHB Complex, III Floor,
Anna Nagar, Chennai - 40.

2.S.Rajendran

... Respondents

(R2 amended as per order dated 20.07.2023 in Crl.M.P.No.10249/2023
in Crl.R.C.No.1154/2023)

Prayer : Criminal Revision filed under Sections 397 and 401 of Criminal
Procedure Code to call for records and set aside the orders dated
14.06.2023 in Crl.M.P.No.1725/2023 in C.C.No.4670/2006 passed by
the learned Chief Metropolitan Magistrate, Egmore, Chennai.



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For Petitioner : Mr.A.Nagarajan

For R1 : Mr.R.Vinothraja, GA (Crl. Side)

ORDER

Challenge in this criminal revision case is made to the orders dated 14.06.2023 in Crl.M.P No.1725/2023 in C.C.No.4670/2006 passed by the learned Chief Metropolitan Magistrate, Egmore, Chennai.

2.The revision petitioner filed a petition in Crl.M.P No.1725/2023 in C.C.No.4670/2006 under Section 239 Cr.PC seeking discharge from the offences under Sections 120(B), 420, 409 and 109 IPC.

3.The Central Crime Branch on the basis of various complaints received by them against the accused registered FIR in Crime No.993/1999 for the offences as stated above. After completing investigation, they filed a final report against all of them in C.C.No.4670/2006 before Chief Metropolitan Magistrate, Egmore,



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Chennai.

4.The petition in Crl.M.P.No.1725/2023 filed by the revision petitioner / A9 seeking to discharge him of the offences under Sections 120(B), 420, 409 and 109 IPC was dismissed by the learned Chief Metropolitan Magistrate, Egmore, Chennai, aggrieved over which, the present revision is filed.

5.Mr.A.Nagarajan, learned counsel for the revision petitioner contended that the present petitioner was a Director in Alwarpet Benefit Fund Limited from 13.08.1999 to 27.10.1999 and that the petitioner did not collect any amount from any person as alleged by the prosecution. However, the amount of misappropriation by the accused is indicated as Rs.118 Crores in the final report for which there are no material records to show that the present accused was involved in the offences. His further contention is that the present revision petitioner acted as a Director only for 70 days based on the Memorandum of Understanding and he was operating the bank account of Alwarpet Benefit Fund Limited



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6. Per contra, Mr.R.Vinothraja, learned Government Advocate (Crl. Side) for the first respondent contended that there are enough materials in the final report against the accused for framing charges for the offences under Sections 120(B), 420, 409 and 109 IPC. Even as per the version of the revision petitioner, he was a Managing Director for a period from 13.08.1999 to 27.10.1999 and during the said period he had opened a bank account with Lord Krishna Bank and withdrew a sum of Rs.10,58,898/- before closing the said account on 01.09.1999. But this amount was not credited to the account of Alwarpet Benefit Fund Limited. Apart from this, there was a Memorandum of Understanding between Alwarpet Benefit Fund Limited and P.R.A investments dated 13.08.1999, through which, the present revision petitioner was inducted as Managing Director in Alwarpet Benefit Fund Limited.



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7. It is seen from the records that the present revision petitioner opened a bank account with Lord Krishna Bank on 25.08.1999 as Managing Director of Alwarpet Benefit Fund and closed the account on 01.09.1999 after withdrawing a sum of Rs.10,58,898/- from the bank and did not credit the said amount to the account of Alwarpet Benefit Fund and had infact siphoned the amount.

8.In this back drop, it cannot be said that the revision petitioner did not have any role in the misappropriation of funds at this stage. Only after conclusion of the trial, the trial court can find out whether the present petitioner is liable to be punished for the offences under Sections 120(B), 420, 409, 109 IPC. The trial court had in fact gone into the statements of the witnesses recorded by the police under Section 161(3) Cr.P.C. which prima facie showed that the present petitioner has misappropriated a sum of Rs.10,58,898/- along with the other accused. The trial court by a well considered order had dismissed the discharge petition filed by the present petitioner. There is no good ground to



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interfere with the same.

9.In the result, the Criminal Revision Case is dismissed.
Consequently, connected Criminal Miscellaneous Petitions are closed.
The orders dated 14.06.2023 in Crl.M.P.No.1725/2023 in
C.C.No.4670/2006 passed by the learned Chief Metropolitan Magistrate,
Egmore, Chennai, is confirmed.

31.08.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

To

1.State Rep. by
The Deputy Superintendent of Police,
Economic Offences Wing II,
TNHB Complex, III Floor,
Anna Nagar, Chennai - 40.

2.The Chief Metropolitan Magistrate, Egmore, Chennai.



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R. HEMALATHA, J.
mtl

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