



Crl.R.C.No.1281 of 2023
and Crl.M.P.No.10433 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

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

Crl.R.C.No.1281 of 2023
and Crl.M.P.No.10433 of 2023

1.Ramamoorthi
2.Veerakumar
3.Arusamy

... Petitioners

Vs.

The State Rep. by
Sub Inspector of Police,
Central Crime Branch (CCB),
EDF, Team -IV,
Egmore, Chennai.

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code to set aside the order of dismissal in Crl.M.P.No.20568 of 2021 in C.C.No.4818 of 2018 dated 20.04.2023 passed by the learned CCB - CBCID Metropolitan Magistrate at Egmore and allowing this criminal revision petition.

For Petitioners : Mr.A.Rajeshkanna

For Respondent : Mr.J.Subbiah, GA (Crl. Side)



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ORDER

The Criminal Revision Petition is directed against the orders passed by CCB - CBCID Metropolitan Magistrate, Egmore in CrI.M.P.No.20568 of 2021 dated 20.04.2023.

2.The present revision petitioners filed the said petition under Section 239 Cr.P.C. to discharge them of all the offences under Sections 408, 418, 420 r/w. 120(b) IPC in C.C.No.4818 of 2018 as there is no iota of evidence as against them. According to the revision petitioners, a simple civil dispute was converted into a criminal case without any prima facie evidence.

3.The learned trial court judge after considering the arguments put forth by the revision petitioners as well as by the prosecution, dismissed the petition filed under Section 239 Cr.P.C. by the present revision petitioners on the ground that prima facie case has been made out for framing charges against the petitioners and that only after



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concluding the trial, it can be found out whether the present accused also are involved in the offence.

4.Heard Mr.A.Rajeshkanna, the learned counsel for the revision petitioners and Mr.J.Subbiah, the learned Government Advocate (Crl.side) for the respondent.

5.In the instant case, apart from the offences under Sections 408, 418, 420 IPC r/w. 120(b) IPC is also included. The specific contention of the prosecution is that all the accused 1 to 3 had conspired with each other to commit the offences under Sections 408, 418, 420 IPC. It is also the case of the prosecution that the revision petitioners obtained their share of the amount which was misappropriated by the first accused. The learned trial judge had considered the FIR and other relevant records for taking cognizance of the offences and has also come to the conclusion that there is a prima facie case against all the accused to frame charges. All the observations made by the trial court are perfectly in order and the same cannot be found fault with by this Court.



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6.Accordingly, this Criminal Revision Petition is dismissed. No costs. Consequently, connected Criminal Miscellaneous Petition is closed.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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R. HEMALATHA, J.
mtl

To

1.The CCB - CBCID Metropolitan Magistrate, Egmore.

2.The State Rep. by
Sub Inspector of Police,
Central Crime Branch (CCB),
EDF, Team -IV,
Egmore, Chennai.

3. The Section Officer,
Criminal Section, High Court,
Madras.

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