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Crl.R.C.No.1474 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

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

Crl.R.C.No.1474 of 2023 and  
Crl.M.P.No.13034 of 2023

1 Aphro Trust,  
Rep by Mr.I.P.yesudoss,  
Having office at the then address,  
No.27/49 5th main Road,  
3rd layout, Teachers colony, Kolathur  
Chennai 600 099.

2 IPEE Foundation  
Rep by I.P.Yesudoss,  
Having office at the then address,  
No.27/49 5th main Road,  
3rd layout, Teachers colony, Kolathur  
Chennai 600 099.

3 Mr.I.P.Yesudoss,  
Founder & President of Aphro Trust.

... Petitioner

Vs.

The State represented by  
The superintendent of police,  
Economic offences Wing - II, (H1rs),  
Guindy, Chennai.

... Respondent



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Prayer : Criminal Revision filed under Section 397 r/w. 401 of Criminal Procedure Code, to call for records and set aside the order passed by the learned Chief Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.10841 of 2023 in C.C.No.7275 of 2019, dated 09.06.2023.

For Petitioner : Mr.I.P.Yesudoss (Party in person)  
For Respondent : Mr.R.Vinoth Raja,  
Government Advocate (Crl. side)

**ORDER**

Challenging the orders, dated 09.06.2023 in Crl.M.P.No.10841 of 2023 in C.C.No.7275 of 2019 passed by the learned Chief Metropolitan Magistrate, Egmore, Chennai, the present Criminal Revision is filed.

2. The petitioners are the accused 1 to 3 in C.C.No.7275 of 2019 and they have been charged for the offences punishable under Sections 406, 420, 120 (b) 409 and 109 I.P.C., The evidence on the side of the prosecution is completed and the accused had also been questioned under Section 313 Cr.P.C., At this stage, the present revision petitioner / accused filed a petition under Section 243 Cr.P.C., to permit them to



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examine 64 witnesses on their side. The said petition was resisted by the respondent Police on the following grounds:

- i. Out of 64 witnesses, the witnesses 1 to 10 had not lodged any complaint against the accused;
- ii. the witnesses 11 to 54 though were shown as witnesses on the side of the prosecution, had not been examined since out of 21 persons, seven persons were not residing in the address given by them and further their evidence is not necessary for proving the case of the petitioner;
- iii. The witnesses 57 to 59 are not investigating officers and they are not connected with the present case.
- iv. Witness No.61 is the Principal Secretary to Government and Witness No.62 is the Additional Chief Secretary and their witness is not necessary as far as the present case is concerned.

3. The Chief Metropolitan Magistrate, Egmore after considering the rival submissions made by both the parties, allowed the said petition in Crl.M.P.No.10841 of 2023 partly on 09.06.2023



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permitting the revision petitioner alone to examine himself as a witness, aggrieved over which, the present revision is filed.

4. Mr.I.P.Yesudoss (third accused) / party in person contended that the witness nos.1 to 10 would explain how the petitioner's organisation was functioning in accordance with law and that the prosecution though had examined some persons as leaders of the Women Self Help Group, they are not the leaders. According to him, if the witness Nos.1 to 10 are examined, the same can be proved by him. It is also his contention that the witness Nos. 11 to 53 are prosecution side witnesses and they have not been examined by the prosecution. It is his further submission that the witnesses 54 to 56 have obtained loan from him and it is in total contradiction to the final report filed by the respondent Police. Therefore, he prayed for examining all the 64 witnesses.

5. Per contra, Mr.R.Vinothraja, learned Government Advocate (Crl. side) contended that the trial Court by a well considered order



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dismissed the petition filed by the revision petitioner and that there is no reason for this Court to interfere with the same.

6. At the outset, it may be observed that the present revision petitioner did not adduce any documentary evidence to show that the persons who were examined on the side of the prosecution, were not leaders of various Women Self Help Group. Therefore, examining the witnesses 1 to 10 would not serve any purpose in this regard. Moreover, as per the prosecution case, the witnesses 1 to 10 have not lodged any complaint against the present revision petitioner. As far as the witness Nos.11 to 53 are concerned, they are cited as prosecution side witnesses. Since some of the leaders have been examined and some of them are not found in the address, their presence in the Court was dispensed with by the public prosecutor. In the circumstances, no useful purpose would be served by examining these witnesses.



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7. The contention of Mr.I.P.Yesudoss, party in person is that the witnesses 54, 55, 56 borrowed loan from him. It is not known whether they are members of Women Self Help Group. According to the Government Advocate (Crl. side), they are no way connected with the present case. The witnesses 57 to 63 are shown as under:

| <b><i>S.No.</i></b> | <b><i>Name of the witness</i></b> | <b><i>Designation</i></b>                                                                                        |
|---------------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------|
| 57                  | Tmt.S.Malliga, I.P.S.             | Superintendent of Police,<br>Economic Offences Wing,<br>Chennai                                                  |
| 58                  | Tmt.P.K.Senthilkumari, I.P.S.     | Superintendent of Police,<br>Economic Offences Wing,<br>Chennai                                                  |
| 59                  | Thiru.P.Ashok Natrajan            | Deputy Superintendent of Police,<br>Economic Offences Wing,<br>Chennai.                                          |
| 60                  | Thiru.T.Sundaramurthy,            | Sub-Registrar Office, Royapuram,<br>No.478M+VJ8, Mayor Basudev<br>street, Korukupet, Tondiarpet,<br>Chennai -21. |
| 61                  | Shri.Apurva Varma, I.A.S.         | Principal Secretary to<br>Government,<br>Chennai - 600 009.                                                      |
| 62                  | Shri.Niranjan Mardi, I.A.S.       | Additional Chief secretary to<br>Government, chennai - 600 009.                                                  |
| 63                  | Tmt.S.Parameshwari                | No.52, Vachani mudhali Street,<br>Kurinjipadi, Cuddalore - 607 302.                                              |



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8. The above persons have not conducted any investigation as contended by the revision petitioner. Therefore their witnesses are not necessary for arriving at a just decision in the case. The present petition seems to have been filed to protract the proceedings. Hence, the Criminal Revision is dismissed. The trial Court is directed to proceed with the case and dispose it of on merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

**28.08.2023**

Index: Yes/No  
Speaking/Non-Speaking order  
vum

To

1. The superintendent of police,  
Economic offences Wing - II, (H1rs),  
Guindy, Chennai.
2. The Chief Metropolitan Magistrate, Egmore, Chennai.



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**R. HEMALATHA, J.**

vum

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