



Crl.R.C.No.1521 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

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

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Veerapandiyan

... Petitioner

Vs.

The State represented by its
Inspector of Police
Mangadu Police Station
(Crime No.305 of 2008)

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w. 401 of Criminal Procedure Code, to set aside the orders dated 31.07.2023 in Crl.M.P.No.3623/2023 in C.C.No.25/2009 on the file of the learned Judicial Magistrate, Sriperumbudur.

For Petitioner : Dr.S.Manoharan

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

ORDER

Challenge in this criminal revision case is made to the orders dated 31.07.2023 in Crl.M.P.No.3623/2023 passed by the learned Judicial Magistrate, Sriperumbudur.

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2. The case of the prosecution is that the first accused conducted a chit fund in and around Melameiyyur Village, Vallam Taluk and did not pay the chit amount after the auction took place, consequent upon which the members lodged a complaint with the Inspector of Police, Mangadu Police Station who registered FIR in Crime No.305/2008.

2.1. The Inspector of Police after conducting investigation filed a final report against the accused viz. 1. Vanji @ Vanjiammal 2. Veerapandiyan in C.C.No.25/2009 before the Judicial Magistrate Court, Sriperumbudur. The learned Judicial Magistrate, Sriperumbudur, took cognizance of the offences against the accused under Sections 406, 420 r/w.34 IPC and Section 3 of Tamil Nadu Prize Schemes (Prohibition) Act and issued summons to them and on their appearance, furnished copies of records under Section 207 Cr.P.C. Charges were framed under Sections 406, 420 r/w.34 IPC against both the accused and they pleaded not guilty. The case was thereafter posted for trial.

2.2. The prosecution examined 25 witnesses and marked Ex.P1



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to Ex.P5. When the accused was questioned under Section 313 (1) (b) Cr.P.C. with regard to the incriminating circumstances appearing in evidence against him, he denied of having committed any offence.

2.3. Subsequently, the case was posted for defence side witness. At that point of time, the accused filed a petition under Section 243 Cr.P.C. in Crl.M.P.No.3623/2023 for examination of two witnesses namely one Rajendran and one Shanthi on their side. The learned Judicial Magistrate, Sriperumbudur dismissed the said petition on the ground that the revision petitioner did not state the purpose for which these witnesses are examined on the side of the defence. Aggrieved over the same, the present revision is filed.

3. Dr.S.Manoharan, learned counsel for the revision petitioner contended that Rajendran is the neighbour of the present revision petitioner and Shanthi is one of the members of the chit fund floated by the first accused. According to the counsel for the accused, Rajendran would depose that the second accused/revision petitioner does not have any property and Shanthi who is one of the members of the chit fund



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would depose that the present revision petitioner was conducting the chit fund business properly and that a false complaint was foisted against him.

4. Mr.R.Vinothraja, learned Government Advocate (Crl. Side) contended that the trial court judge had dismissed the petition filed by the revision petitioner properly and therefore no interference is called for by this Court in the present revision.

5. At the outset, it may be observed that a neighbour cannot depose about the financial position of the present revision petitioner and therefore, the examination of Rajendran as a witness is not at all necessary for the purpose of arriving at a just decision in this case. Shanthi is said to be one of the members of the chit fund run by the accused for which no documentary evidence was adduced by the revision petitioner before the trial court. When the other members have given complaints against the accused with regard to the misappropriation of funds, the evidence of Shanthi would not serve any purpose and



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therefore, the trial court had rightly dismissed the petition filed by the present revision petitioner. In the circumstances, I do not see any reason to interfere with the orders passed by the trial court judge and the present petition appears to have been filed to protract the proceedings.

6. Accordingly, the Criminal Revision is dismissed. The orders dated 31.07.2023 in Crl.M.P No.3623/2023 passed by the learned Judicial Magistrate, Sriperumbudur, is confirmed.

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

To

1. The Judicial Magistrate, Sriperumbudur.

2. The State represented by its
Inspector of Police
Mangadu Police Station
(Crime No.305 of 2008)

R. HEMALATHA, J.



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