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Crl.R.C.No.86 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.86 of 2024
and Crl.M.P.No.690 of 2024

Paulraj

... Petitioner

Vs.

The State rep. By
Inspector of Police,
EDF-I, Team-II,
Vepery, Chennai – 07.

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to call for the records of the order dated 03.10.2023 passed by the learned Judicial Magistrate for CCB & CBCID Cases, Egmore, Chennai-08 in Crl.M.P.No.30435 of 2022 in C.C.No.3560 of 2020 and set aside the same.

For Petitioner : Ms.Leelah Sundaram
for M/s.Nathan and Associates

For Respondent : Mr.C.E.Pratap
Government Advocate [Crl. Side]



ORDER

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The petitioner/A2 in C.C.No.3560 of 2020, who is facing trial for the offence under Sections 420, 506(i) and 120B IPC filed a discharge petition in Crl.M.P.No.30435 of 2022 before the learned Judicial Magistrate for CCB & CBCID Cases, Egmore, Chennai-08 and the same was dismissed by order dated 03.10.2023. Against which, the present revision petition is filed.

2.The case against the petitioner is that in the year 2007 A1/Sadasivam introduced the petitioner to the defacto complainant who was searching for a suitable place to construct a hospital and there was several discussion between the defacto complainant, petitioner and the said Sadasivam/A1. L.W.4/Mr.K.B.P.Shankar was holding 5 acres of land in Mappedu Village, Thriuvallur District and price for each acre was fixed at Rs.60 lakhs and the total consideration was fixed at Rs.3 Crores. The defacto complainant paid almost the entire amount to the said Mr.K.B.P.Shankar and at that time, the petitioner and the other accused informed the defacto complainant that adjacent to the land of Mr.K.B.P.Shankar, there is a land measuring 7 acres for the same price.



Hence, the defacto complainant received back the amount paid to Mr.K.B.P.Shankar and handed over the same to the petitioner and the other accused. On 17.04.2009, an agreement was entered into between the petitioner/A2, A1 and the defacto complainant for the said transaction and also acknowledged the receipt of Rs.2.89 Crores as advance for the newly identified property. Thereafter, the petitioner/A2 and A1 were unable to be contacted and finally, it came to know that the petitioner/A2 and A1 had deceived the defacto complainant and received the amount of Rs.2.89 Crores. From the beginning, the petitioner and the other accused were with clear intention to cheat the defacto complainant and whenever, the defacto complainant approached them, they threatened him. Thereafter, complaint was lodged and there was some delay in investigation since the Investigating Officer got transferred and the subsequent Investigating Officer took sometime for investigation. On completion of investigation, charge sheet filed listing L.W.1 to L.W.12 along with sale agreement dated 17.04.2009, loan details of the defacto complainant from India Bulls Finance Service Limited, etc.

3.The contention of the learned counsel for the petitioner is that the



petitioner introduced A1 to the defacto complainant and he has got nothing to do with the transaction between them. He would submit that the petitioner has not received even a single rupee in the entire transaction and the petitioner has been falsely implicated for the act of Sadasivam/A1. According to the petitioner, he is running a consultancy service giving ideas and his expertise knowledge to his clients for various businesses. The defacto complainant had come seeking help of the petitioner and thereafter he introduced the said Sadasivam.

4.The learned Government Advocate [Crl. Side] on the other hand strongly oppose the contention of the petitioner and submits that the petitioner and the said Sadasivam/A1 acted in tandem. Initially they identified the land of L.W.4, received money from the defacto complainant and handed over the same to L.W.4. Thereafter with the deception to cheat the defacto complainant on coming to know that the defacto complainant, a Doctor who has reposed complete faith and confidence on the petitioner and the other accused, they have shown another land as though it is ready for sale and for a sum of Rs.5 Crores, 7 acres of adjacent land can be



purchased. The petitioner and the other accused received back the money from L.W.4 and committed the offence of cheating and misappropriation.

He would further submit that on the arrest of the petitioner/A2 and A1, they admitted the receipt of money and cheating the defacto complainant. He further submitted that this case has got delayed because the petitioner and the other accused on several occasion had given an undertaking that they will settle the defacto complainant by repaying the amount received, but the amount was not paid. Further, the agreement copy as well as the loan documents of the defacto complainant confirms that the petitioner and the other accused had received money of Rs.3 Crores from the defacto complainant. There are witnesses confirming the transaction between the accused persons and the defacto complainant. It is a case of conspiracy and cheating. Hence, he prayed for dismissal of this petition.

5.Finding reason and force in the submissions made and considering the fact that the Lower Court had passed a detailed order, this Court is not inclined to interfere with the order of the Lower Court. Since the offence taken place in the year 2009 and there are only 12 witnesses, the Trial Court



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is directed to complete the trial within a period of four months from the date of receipt of a copy of this order.

6. Accordingly, the Criminal Revision Petition stands dismissed.

Consequently, connected miscellaneous petition is closed.

23.01.2024

cse
Speaking Order/Non Speaking Order
Index : Yes/No
Neutral Citation: Yes/No

To

1. The Inspector of Police,
EDF-I, Team-II,
Vepery, Chennai – 07.
2. The Judicial Magistrate for
CCB & CBCID Cases,
Egmore, Chennai-08



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M.NIRMAL KUMAR, J.

cse

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