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Crl.R.C.No.710 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.710 of 2024 and
Crl.M.P.Nos.6589 and 6591 of 2024**

Krishnamurthy

... Petitioner

Vs.

The State,
Represented by the Inspector of Police,
Central Crime Branch, EDF-1,
Veppery, Chennai-07.
Crime No.300 of 2019

... Respondent

PRAYER : Criminal Revision Case filed under Section 397 r/w Section 401 of the code of Criminal Procedure, 1973 to call for the records in Crl.M.P.No.33764 of 2023 in C.C.No.4425 of 2023 on the file of the Metropolitan Magistrate (CCB/CBCID Cases), Egmore, Chennai-08 and to set aside the order dated 04.03.2024 made therein.

For Petitioner : Mr.D.Selvaraju

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

For Defacto complainant : Mr.P.Rathinavel



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ORDER

This criminal revision case has been filed to set aside the order dated 04.03.2024 made in Crl.M.P.No.33764 of 2023 in C.C.No.4425 of 2023 on the file of the learned Metropolitan Magistrate (CCB/CBCID Cases), Egmore, Chennai-08.

2. The petitioner has filed a petition u/s 239 of Cr.P.C. seeking to discharge him from the charges levelled against him in C.C.No.4425 of 2023 before the learned Metropolitan Magistrate (CCB/CBCID Cases), Egmore, Chennai-08, which was dismissed by the trial Court, vide impugned order, dated 04.03.2024. Challenging the same, the petitioner has filed the present revision.

3. The learned counsel appearing for the petitioner submitted that the petitioner was falsely implicated in Crime No.300 of 2019 which was registered for the offences punishable under Sections 465, 467, 468, 471, 409 and 34 IPC and after completion of investigation, the respondent Police



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filed a charge sheet and the same was taken on file in C.C.No.4425 of 2023.

Admittedly, the petitioner is a partner of M/s.Kalyanasundaram Company and the defacto complainant has availed the services of the Chartered Accountant of the said Company for income tax purposes and the second accused was working as Audit Assistant and promoted as Manager of the Company. Taking advantage of the same, the second accused has misappropriated the amount remitted by the defacto complainant and other customers and the amounts were not properly remitted to the Income Tax Department. In this regard, the petitioner has also made a complaint before the respondent Police against him and the same was registered in Crime No.208 of 2019 for the offences punishable under Sections 406, 420, 465, 467, 468 and 471 IPC and however, without knowing the factual aspects, the defacto complainant and other customers made complaints before the respondent Police against the petitioner and others and the same were registered in Crime Nos.300 and 331 of 2019. In the complaint filed by the petitioner, the respondent Police has not completed the investigation. However, he would submit that this Court, without going into the merits of



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the case, may dispense with the appearance of the petitioner before the trial court and direct the respondent Police to complete the investigation in the complaint filed by the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent Police submits that the investigation in Crime Nos.208 and 331 of 2019 will be completed as expeditiously as possible.

5. Though a prayer has been sought for to dispense with the personal appearance of the petitioner, however, it is to be pointed out that the presence of the petitioner cannot be dispensed with in toto. In such view of the matter, this Court, without going into the merits of the case, directs that the appearance of the petitioner before the trial court is dispensed with except for his appearance for the purpose of receiving copies u/s.207 and questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct his



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appearance on those days. The concerned Police is directed to complete the investigation in Crime Nos.208 and 331 of 2019 as expeditiously as possible.

6. Accordingly, this Criminal Revision Case is dismissed.

Consequently, connected miscellaneous petitions are closed.

19.06.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

ssb

To

1. The learned Metropolitan Magistrate (CCB/CBCID Cases), Egmore, Chennai-08.

2. The Inspector of Police,
Central Crime Branch, EDF-1,
Veppery, Chennai-07.

3. The Public Prosecutor,
Madras High Court.



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M.DHANDAPANI, J.

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