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Crl.R.C.No.13 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.13 of 2025

and

Crl.M.P.No.111 of 2025

P.Daniel

... Petitioner

..VS..

The State of Tamil Nadu
Inspector of Police,
Cyber Crime Branch,
Vepery, Chennai – 7,
Crime No.464 of 2011.

... Respondent

Criminal Revision Case filed under Section 438 and 442 of BNSS, 2023, to set aside the order dated 29.11.2024 passed in Crl.M.P.No.12838 of 2021 in C.C.No.368 of 2021 on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai and discharge the petitioner from the false case.

For Petitioner : Mr.S.N.Subramani

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

This Criminal Revision Case is filed to set aside the order dated 29.11.2024 passed in Crl.M.P.No.12838 of 2021 in C.C.No.368 of 2021 on the file of the XI Metropolitan Magistrate Court, Saidapet, Chennai and discharge the petitioner from the case.

2. The case of the prosecution is that the petitioner, who was arrayed as A4 and other accused 1 to 3 i.e., A1 to A3 have conspired and stolen the *de-facto* complainant's assets, used the datas stolen from the complainant's firm for illegal gratification to obtain wrongful gain. Based on the complaint given by one Sreedhar, Managing Director of M/s.B.S.Pyromatic India Pvt., Ltd., the respondent-Police registered the case in Crime No.464 of 2011 against the petitioner and three others for offences under Sections 379, 381, 406, 506 (Part 1) and 120-B IPC read with Sections 66 and 66-C of the Information Technology (Amendment) Act 2008 [herein after referred to as 'I.T.Act'], which was subsequently altered to Sections 408 and 120-B IPC read with Sections 66 and 66-C



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of I.T.Act. On completion of investigation, the respondent-Police filed a charge-sheet against A1 to A3 for offences under Sections 120-B and 408 IPC read with Section 66 of I.T.Act and the petitioner/A4 was charge-sheeted for offence under Section 120-B IPC. Challenging the same, the petitioner filed a petition in Crl.M.P.No.12838 of 2021 in C.C.No.368 of 2021 before the XI Metropolitan Magistrate's Court, Saidapet, Chennai, to discharge him from the case, but the Court below dismissed the petition by the impugned order dated 29.11.2024. Aggrieved by the same, the present petition is filed by the petitioner-A4.

3. Learned counsel for the petitioner submitted that the allegation levelled against the petitioner is that he transported the datas in a pen drive, which was received from A1 to A3, who were working in the *de-facto* complainant's Company. However, the petitioner/A4 is no way connected with the alleged offences and the case is foisted only to harass the petitioner. There is no prima-facie case made out to proceed against the petitioner in respect of the charge under Section 120-B IPC, since the case itself is an after-thought. He further submitted that only on the basis of the alleged confession obtained from A2, without any basis, the



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petitioner was implicated in the case. Since no ingredients are made out against the petitioner for the alleged offences, he has filed a petition under Section 239 Cr.P.C., praying to discharge him from the charged offences. However, the trial Court failed to consider the fact that the petitioner has no role to play in the alleged offences and allegations levelled against him are false and the Court below mechanically dismissed the petition, without application of mind. Hence the present petition is filed by the petitioner-A4.

4. Learned Additional Public Prosecutor appearing for the respondent-Police submitted that the petitioner is none other than the husband of A2. During investigation, confession statement of A2 was recorded and she has admitted the involvement of the petitioner in the alleged offences, which was also confirmed by the statement of L.W.1 to L.W.5. The trial Court, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, dismissed the petition.

5. Heard the learned counsel for the petitioner and the learned



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Additional Public Prosecutor appearing for the respondent and also perused the materials available on record.

6. On a perusal of the entire materials, particularly the statement of witnesses recorded under Section 164(3) Cr.P.C., and confession statement given by A2, who is none other than the wife of the petitioner herein, this Court is of the view that prima-facie case is made out to contemplate the provisions under Section 120-B IPC against the petitioner and it is a matter for trial and only after trial, the involvement of the petitioner would come to light. This Court does not find any merit in the revision case and the same is liable to be dismissed. However, the trial Court is directed to expedite the trial in C.C.No.368 of 2021 and conduct trial on a day-to-day basis and dispose of the case on merits and in accordance with law, as expeditiously as possible.

7. With the above directions, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

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Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

1. The XI Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
Cyber Crime Branch,
Vepery, Chennai – 7.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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