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Crl.RC.No.408 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.408 of 2025 and

Crl.M.P.No.4519 of 2025

S.Rajesh

... Petitioner

Vs.

State by

Inspector of Police

Central Crime Branch

Vepery, Chennai - 600 007

(XCr.No.427 of 2018)

... Respondent

Prayer: Criminal Revision Case filed under Section 397 read with Section 401 of Cr.P.C. to call for the records in Crl.M.P.No.32539 of 2024 in C.C.No.6614 of 2023 dated 30.09.2024 passed by the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases at Egmore, Chennai and set aside the same.

For Petitioner

: Mr.Manoj Sreevalsan

For Respondent

: Mr.S.Sugendran

Additional Public Prosecutor



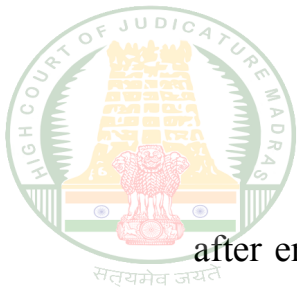
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ORDER

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This Criminal Revision Case has been filed by the petitioner to set aside the order in Crl.M.P.No.32539 of 2024 in C.C.No.6614 of 2023 dated 30.09.2024 passed by the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating To Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai.

2. The case of the petitioner is that based on the complaint given by one Narendran, the respondent police registered a case in Crime No.427 of 2018 against the petitioner and four others for the offence under Sections 406, 420 and 120B IPC and after investigation, laid charge sheet before the Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore Chennai and the same was taken on file in C.C. No.6614 of 2023. Pending trial, the petitioner filed a petition in Crl.M.P.No.32539 of 2024 invoking Section 239 Cr.P.C. seeking to discharge the petitioner who has been arrayed as A3. The learned Magistrate



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after enquiry, dismissed the petition by order dated 30.09.2024. Aggrieved by the same, the petitioner has filed the present revision.

3. The contention of the petitioner is that there is no prima facie material against the petitioner and even in the charge sheet, there is no incriminating materials against the petitioner. The prosecution materials itself does not disclose any prima facie materials to prosecute the petitioner. The learned Magistrate failed to consider the same and dismissed the petition. Since there is no sufficient materials against the petitioner, the petitioner need not face the ordeal of trial. Therefore, the order of the Magistrate is liable to be set aside.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the charge sheet was filed in the year 2023 and the same was taken on file in C.C.No.6614 of 2023 and after framing of charges, the witnesses were summoned and L.W.1 was already examined as P.W.1. Now the case is posted for examination of L.W.2 and L.W.3. The petitioner has been arrayed as A3. Even in the statement of the witness namely L.W.1, it is clearly



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stated that the petitioner is also involved in this case. There is prima facie

available against the petitioner to proceed the case further. Therefore, the learned Magistrate rightly dismissed the petition filed by the petitioner and there is no merits in this case.

5. Heard both sides and perused the materials available on record.

6. Admittedly, the respondent police registered the case in Crime No.427 of 2018 dated 10.10.2018 against the petitioner and four others for the offence under Sections 406, 420 and 120B IPC in which, the petitioner was shown as 5th accused. After investigation, the respondent police laid the charge sheet against six persons for the offence under Sections 406, 420 read with 120B IPC in which, the petitioner has been shown as A3 and after taking the charge sheet on file in C.C.No.6614 of 2023, the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore Chennai, framed the charges as against the petitioner and others and commenced the trial. L.W.1 was already examined as

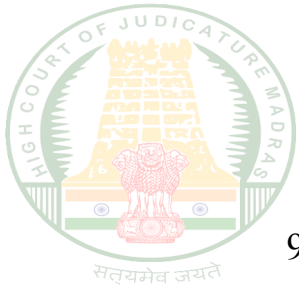


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P.W.1 and at that stage, the petitioner filed a petition before the Magistrate by invoking Section 239 Cr.P.C. to discharge him from the above said case. The learned Magistrate after enquiry, dismissed the petition. Challenging the same, the petitioner has filed the present revision.

7. Perused the complaint, charge sheet filed by the respondent police and the statements recorded from the witnesses under Section 161 Cr.P.C. The witnesses have clearly spoken about the involvement of the petitioner.

8. It is settled proposition of law that at that time of deciding the petition under Section 239 Cr.P.C., the Court has to see the materials produced by the investigating agency and not the defense taken by the accused. Further, a reading of the materials shows prima facie allegations and materials to proceed the case further against this petitioner also. At this stage, the Court cannot conduct a roving enquiry testing the veracity and validity of the materials produced by the investigating agency.



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9. Under these circumstances, this Court does not find any grounds to

interfere with the order passed by the Magistrate. The grounds taken by the petitioner are nothing but defense which can be decided only after trial and not at this stage.

10. This Court does not find any reason or ground to admit this revision.

11. Therefore, this Criminal Revision Case is dismissed at the admission stage itself. Consequently, the connected Miscellaneous Petition is closed.

12. However, the petitioner is at liberty to take all his defense before the trial Court.

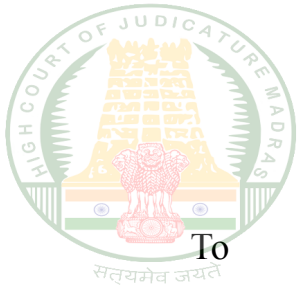
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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The Metropolitan Magistrate for Exclusive Trial of CCB Cases
(Relating To Cheating Cases in Chennai) and CBCID Metro Cases,
Egmore, Chennai.
2. Inspector of Police
Central Crime Branch
Vepery, Chennai - 600 007
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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