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Crl.R.C. No. 134 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL.R.C. No. 134 of 2025

&

CRL.M.P. No. 1173 of 2025

Selvaraj

..Petitioner

Vs.

State rep. by its
Inspector of Police,
District Crime Branch,
Krishnagiri District.
(Crime No. 2 of 2018)

..Respondent

Prayer: Criminal Revision Petition filed under Section 438 r/w 442
BNSS to call for the records and set aside the order dated 31.12.2024 passed
in C.M.P. No.7069/2022 by the learned Judicial Magistrate No.II,
Krishnagiri.

For Petitioner :: Mr.G.R. Deepak

For Respondent :: Mr.S. Udhayakumar,



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Govt. Advocate (Crl.Side)
O R D E R

The criminal revision petition challenges the order dated 31.12.2024 passed in C.M.P. No. 7069 of 2022 by the learned Judicial Magistrate No.II, Krishnagiri, by which the petitioner's request to discharge him has been rejected.

2. The sum and substance of the case of the prosecution is that the petitioner was working as a Bank Manager; that the de facto complainant had obtained loan from the said Bank; that the petitioner had conspired with A1 and sold the machinery belonging to the de facto complainant without his knowledge; that the sale proceeds were adjusted towards loan amount of the de facto complainant without his knowledge and therefore, the petitioner had committed the offences under Sections 418 and 420 r/w 511/109 of IPC.

3. The petitioner sought discharge mainly on the ground that the de facto complainant was also aware of the transaction and has falsely accused the petitioner and there are materials to show that the allegations are false.

4. Learned Trial Judge dismissed the discharge petition on the



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ground that the probable defence of the accused cannot be gone into at the stage of framing of charges and also held that there was no necessity for sanction under 197 Cr.P.C. to prosecute the petitioner.

5. Learned counsel for the petitioner reiterated the submissions made before the Trial Court and submitted that the petitioner/Bank Manager is sought to be prosecuted unnecessarily and the evidence adduced on the side of the prosecution would clearly show that he is innocent.

6. Per contra, learned Government Advocate (Crl.Side) submitted that in respect of the allegations ,in the final report, the witnesses examined by the prosecution have stated that the petitioner had conspired with A1 in selling the machinery belonging to the de facto complainant.

7. In the light of the above submissions, this Court is of view that at this stage, the Court cannot conduct an enquiry as to which of the versions is true. The probable defence of the accused cannot be gone into at this stage. It is well-settled that grave suspicion is sufficient to frame a charge. Hence, this Court is not inclined to interfere with the order impugned.

8. However, the petitioner is at liberty to raise all points before the



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Trial Court and it is needless to state that the Trial Court shall consider the same, without being influenced by any of the observations made in this order or in the order impugned.

9. Considering the age of the petitioner, this Court is of the view that the appearance of the petitioner before the Trial Court can be dispensed with except for those hearings when the learned Magistrate is of the view that his presence is necessary for the progress of the trial. The petitioner shall file an affidavit that he would cross-examine the witnesses through the lawyer engaged by him and shall not dispute his identity.

10. With the above observation, the criminal revision stands dismissed. Connected miscellaneous petition stands dismissed.

28.01.2025

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To

1. The Judicial Magistrate No.II,
Krishnagiri.
2. Inspector of Police,
District Crime Branch,
Krishnagiri District.
3. The Public Prosecutor,
- 4\ 5



High Court, Madras.

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SUNDER MOHAN,J.

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