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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

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THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.320 of 2025

and

Crl.M.P.No.3000 of 2025

S.Nakkeeran
S/o.Soundarapandian,
No.34B, 3rd Avenue, KKR Nagar,
Madhavaram, Chennai-600 060.

Petitioner

Vs

The State Rep By, The Inspector Of Police,
Central Crime Branch, XVII Team,
Veppery, Chennai-600 001.

Respondent

PRAYER: Criminal Revision Case filed under Section 438 read with 442 BNSS 2023/397 read with 401 of Cr.P.C., to call for the records pertaining to order passed by the Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai in Crl.M.P.No.29234/2023, dated 09.01.2025 in CC No.5115/2023 and to set aside the same.

For Petitioner : Mr.M.Prabhakar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

This Criminal Revision Petition has been filed to call for the records pertaining to the order dated 09.01.2025 passed in CrI.M.P.No.29234/2023 in C.C.No.5115/2023 by the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai and to set aside the same.

2. The petitioner has filed the petition under Section 239 Cr.P.C in CrI.M.P.No.29234 of 2023 in C.C.No.5115 of 2023 before the Court of the Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai, seeking to discharge him from the case. The learned Metropolitan Magistrate dismissed the same, vide impugned order dated 09.01.2025. Aggrieved by the same, the petitioner has filed this criminal revision petition.



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3. Learned counsel for the petitioner submitted that the petitioner has been arrayed as A3 in the said case for the only reason that he is the son-in-law of the first accused. He has not involved in the commission of offence as alleged by the prosecution and no material is available against the petitioner to proceed with the case further. Facing of trial by the petitioner is nothing but a futile exercise. The learned Magistrate is failed to consider the fact that no material is available to convict the petitioner, simply dismissed the petitioner's petition vide impugned order dated 09.01.2025. Hence, the petitioner has filed this criminal revision petition.

4. Learned Additional Public Prosecutor appearing for the respondent-Police submitted that the confession statement of the co-accused and also the statement recorded by the prosecution clearly show the involvement of the petitioner in the said offence and the trial court has rightly dismissed the petition. Hence, there is no merit in the revision.



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5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent-Police and perused the materials available on record.

6. Admittedly, a case in Crime No.333 of 2010 was registered against the petitioner and others for the offences under Sections 406, 420 read with 34 of IPC. After investigation, the respondent-Police laid a 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.5115 of 2023. Pending CC, the petitioner has filed a petition in CrI.M.P.No.29234 of 2023 invoking Section 239 Cr.P.C., seeking to discharge him from the said case. The learned Metropolitan Magistrate after considering the materials produced by the respondent-Police, dismissed the petition. Aggrieved by the same, the petitioner has filed this criminal revision petition.



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7. It is a settled proposition of law that while disposing the discharge petition filed under Section 239 Cr.P.C., the Court has to see the materials placed by the prosecution and not the defence taken by the petitioner/accused. The grounds taken by the petitioner in this revision petition are nothing but defence, which can be decided only after trial and not at this stage. It is seen that the petitioner has been arrayed as A3 in the case and confession statement of the co-accused has also been recorded. Statements under Section 161(3) Cr.P.C were recorded from the witnesses. Considering the materials available on record, this Court finds that there are *prima facie* materials available as against the petitioner to proceed with the case further. Hence, this Court does not find any perversity in the order passed by the learned Metropolitan Magistrate.



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8. In view of the above, this Criminal Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. However, the petitioner is at liberty to take all his defence before the trial court during trial.

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Index: Yes/No

Speaking Order: Yes/No

To

1. The Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai.

2. The Inspector Of Police,
Central Crime Branch,
XVII Team,
Veppery, Chennai-600 001.

3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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