



WEB COPY



Crl.M.P No.15754 of 2024 in

CrI.R.C. SR No.15750 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P No.15754 of 2024
in CrI.R.C. SR No.15750 of 2025

M.K.Balu

..... Petitioner

Vs

1.State rep. by
The Inspector of Police
Central Crime Branch
Chennai.

2.K.Socrates

..... Respondents

PRAYER: Criminal Miscellaneous Petition is filed under Section 5 of Limitation Act, to condone the delay of 655 days in filing appeal against the order dated 23.07.2021 passed in Crl.M.P No.5231 of 2018 by the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai.

For Petitioner	:	Mr.S.K.Bose
For R1	:	Mr.A.Gopinath
		Government Advocate (Crl. Side)



Crl.M.P No.15754 of 2024 in

CrI.R.C. SR No.15750 of 2024

WEB COPY

ORDER

This petition has been filed to condone the delay of 655 days in filing this revision as against the order dated 23.07.2021 passed in Crl.M.P No.5231 of 2018 by the learned Magistrate CCB & CBCID Metropolitan Magistrate, Egmore, Chennai, thereby dismissed the protest petition filed by the petitioner as against the closure report in Crime No.355 of 2013 filed by the 1st respondent herein.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the 1st respondent and also perused the materials available on record.

3. The learned counsel for the petitioner would submit that on the complaint lodged by the petitioner, the 1st respondent registered a FIR in Crime No.355 of 2013 for the offences punishable under Sections 403, 406 and 420 IPC on 11.05.2013 and after conducting the investigation closed the FIR as "further action dropped " by closure report dated 21.09.2017. On receipt of the referred charge sheet, the petitioner filed a protest petition in Crl.M.P No.5231

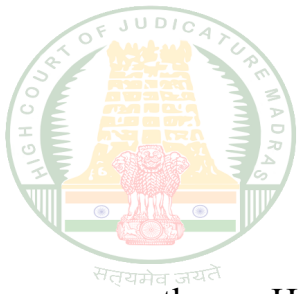


Crl.M.P No.15754 of 2024 in

CrI.R.C. SR No.15750 of 2024

of 2018 before the Metropolitan Magistrate, Egmore, Chennai. After enquiry, the learned trial Court dismissed the protest petition and accepted the closure report filed by the 1st respondent by an order dated 23.07.2021. Though the copy of the order was made ready on 24.08.2021, it was received by the petitioner on 01.09.2021. Thereafter, the petitioner's wife was suffered with covid-19 and she had been diagnosed with acute respiratory failure and Bronchopneumonia and got admitted in the hospital for treatment. Due to the said trauma, the petitioner was not in a mental state to contact his counsel for updates. Thereafter, his wife was taken to Dubai for further treatment since his son was working in Dubai and she was admitted in Medeor Hospital in Dubai and undergone the treatment. After treatment, the petitioner had approached his counsel and filed this revision with the delay of 655 days.

4. The learned counsel for the 2nd respondent would submit that there is absolutely no prima facie case made out to file any final report for the offences under Sections 403, 406 and 420 IPC. The allegation as against the 2nd respondent is that after transferring the share, the 2nd respondent failed to pass any consideration for the purchase of the share. Therefore, the entire allegations are civil in nature since there was a money transaction between

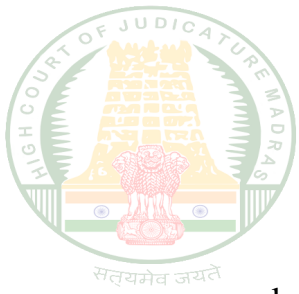


Crl.M.P No.15754 of 2024 in

CrI.R.C. SR No.15750 of 2024

them. Hence, the 1st respondent has rightly closed the FIR as "further action dropped" and the same was rightly accepted by the trial Court. Though the petitioner stated in his affidavit that his wife was suffered with covid-19 and admitted in Dubai hospital, there is absolutely no records produced before this Court to substantiate his contention. Even his wife was admitted in the hospital due to covid-19, it is no way connected to the petitioner to file this revision within time.

5. On perusal of the records and affidavits filed in support of the condone delay petition revealed that after receipt of the referred charge sheet in Crime No.355 of 2013, the petitioner filed a petition to protest the referred charge sheet in Crl.M.P No.5231 of 2018 before the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai. After enquiry, the learned Magistrate, by an order dated 23.07.2021 dismissed the protest petition and accepted the closure report filed by the 1st respondent on the ground that the 2nd respondent had purchased the share certificates by depositing money through the bank and based on the oral promise made by the 2nd respondent, the petitioner said to have given the original shares 34,980 to the tune of Rs.48,97,200/-. There is proof for purchasing the shares from the 2nd



Crl.M.P No.15754 of 2024 in

CrI.R.C. SR No.15750 of 2024

respondent. Some bank transactions were also made. However, there is no document to show that any amount was transferred for purchasing the shares. Therefore, no prima facie case is made out to charge the 2nd respondent for the offences punishable under Sections 403, 406 and 420 IPC.

6. Further, on perusal of the affidavit filed in support of the condone delay petition also revealed that the petitioner has duly received the order in Crl.M.P No.5231 of 2018 on 01.09.2021. Though the petitioner's wife fell ill, the petitioner could have easily approached the counsel to file this revision within time. Further, the counsel for the petitioner produced the discharge summary before this Court and on perusal of the same revealed that his wife was admitted in the hospital at Dubai on 26.02.2023 and discharged on 02.03.2023. There is absolutely no explanation for the intervening period and even after discharge of the petitioner's wife. Therefore, the petitioner failed to state any valid cause for the huge delay of 655 days in filing this revision.

7. In view of the above, this Court is not inclined to condone the delay of 655 days in filing this revision and the present petition deserves to be dismissed.



Crl.M.P No.15754 of 2024 in

CrI.R.C. SR No.15750 of 2024

WEB COPY

8. Accordingly, the Criminal Miscellaneous Petition is dismissed.

05.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
uma

To

1.CCB & CBCID Metropolitan Magistrate, Egmore, Chennai.
The Inspector of Police
Central Crime Branch
Chennai.

2. The Inspector of Police
Central Crime Branch
Chennai.

3. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.M.P No.15754 of 2024 in

Crl.R.C. SR No.15750 of 2024

G.K.ILANTHIRAIYAN, J.

uma

Crl.R.M.P No.15754 of 2024
in
Crl.R.C No.15750 of 2024

05.06.2025