



CRL.R.C.No.711 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

CORAM

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

Crl.R.C.No.711 of 2025

and Crl.M.P.No.10578 of 2025

K.Ravi Seetharaman

... Petitioner

Vs.

1. The State Rep. By
The Inspector of Police,
EOW, Chennai.

2. M/s.Amaravathi Benefit Fund Ltd.,
No.34, Agragaram, Kolumam,
Udumalpet Taluk,
Thiruppur District.

3. R.Chandrasekar
4. K.R.Sudnaram
5. A.Ramachandran
6. N.Rajendran
7. Saroja Devi
8. Ramasundari
9. Radhakrishnan

... Respondents

PRAYER: Criminal Revision case has been filed under Section 397 read with 401 of the Code of Criminal Procedure, to call for the records in connection with Crl.M.P.No.07 of 2025 in C.C.No.08 of 2019 (Crime No.04/2017) on the file of Special Judge, under the Tamil Nadu Protection of Interest of Depositors (in financial establishment) Act 1997, Chennai 600104 and set aside the same.



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CRL.R.C.No.711 of 2025

For Petitioner : Mr.R.Loganathan
For R1 : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

This Criminal Revision case has been filed as against the order passed in Crl.M.P.No.07 of 2025 in C.C.No.08 of 2019 (Crime No.04/2017) dated 03.03.2025, on the file of Special Judge, under the Tamil Nadu Protection of Interest of Depositors (in financial establishment) Act 1997, Chennai 600104, thereby allowing the application filed by the first respondent under Section 91 of Cr.P.C to mark the cheque issued by the accused in favour of one of the victims.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the first respondent and perused the materials available on record.

3. The case of the prosecution is that the first accused company collected deposits from 100 victims to the tune of Rs.9 Crores. Thereafter, the company failed to repay the maturity amounts. Hence, the complaint.

4. Pending trial, the first respondent filed an application under Section 91 of Cr.P.C to mark the cheque which was issued by the accused through PW.4. It



CRL.R.C.No.711 of 2025

was allowed and aggrieved by the same, the present revision.

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5. The learned counsel for the petitioner would submit that the production of the cheque in question appears to have been issued by the Punjab National Bank, Gopalapuram, Chennai. He would further submit that the said cheque was not filled in and as such, it cannot be treated as a negotiable instrument. The prosecution failed to record any statement under Section 161 Cr.P.C as well as under Section 164 Cr.P.C about the cheque which was now permitted to be marked through PW.4. During the course of trial, the prosecution produced the cheque for the first time and the same was allowed by the Trial Court. He further submitted that the petitioner was not given an opportunity to cross examine PW.4, after marking the cheque on 17.03.2025.

6. The learned Government Advocate (Crl.side) appearing for the first respondent submitted that after allowing the petition filed under Section 91 of Cr.P.C, the cheque was marked as Ex.P1 through PW.4, on 17.03.2025. The petitioner can very well cross examine PW.4 in the manner known to law.

7. Though the prosecution failed to produce the relevant document along with the charge sheet, the prosecution can very well produce the document during the Trial after getting permission from the Trial Court. Therefore, it



CRL.R.C.No.711 of 2025

would not cause any prejudice to the accused. However, the petitioner is entitled to cross examine in this regard.

8. In view of the above, this Court finds no infirmity or illegality in the order passed in Crl.M.P.No.07 of 2025 in C.C.No.08 of 2019 (Crime No.04/2017) dated 03.03.2025, on the file of Special Judge, under the Tamil Nadu Protection of Interest of Depositors (in financial establishment) Act 1997, Chennai 600104. However, the petitioner is at liberty to cross examine PW.4 in the manner known to law.

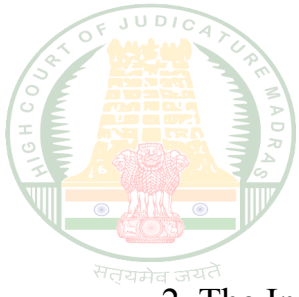
9. Accordingly, this Criminal Revision case stands dismissed. Consequently, connected Miscellaneous petition is closed.

12.06.2025

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mn

To

1. The Special Judge,
under the Tamil Nadu Protection of Interest of Depositors
(in financial establishment) Act 1997, Chennai 600104.



CRL.R.C.No.711 of 2025

2. The Inspector of Police,
EOW, Chennai.

3. The Public Prosecutor,
High Court, Madras.



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CRL.R.C.No.711 of 2025

G.K.ILANTHIRAIYAN, J

mn

Crl.R.C.No.711 of 2025

12.06.2025