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CRL.R.C.No.704 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

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

Crl.R.C.No.704 of 2025
and Crl.M.P.No.10686 of 2025

S.Maniyan

... Petitioner

Vs.

1. State of Tamil Nadu rep.by
The Inspector of Police,
Central Crime Branch-2,
ALGSC-II, Team - 22,
Vepery, Chennai - 600 007.

2. S.T.G.Gangadharan

... Respondents

PRAYER: Criminal Revision case has been filed under Section 438 read with 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed in Crl.M.P.No.64976 of 2024 in C.C.No.6821 of 2023 pending on the file of the Metropolitan Magistrate for exclusive trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases Court, Egmore, Chennai.

For Petitioner : Mr.C.Umashankar

For R1 : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER



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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 defacto complainant, who is the Power of Attorney of the original owner of the subject property, lodged a complaint alleging that the second accused arranged an impersonator, thereby impersonating the original owner of the property and fabricated the Power of Attorney in favour of the impersonator, thereby executing a sale deed in favour of the first accused. In the said sale deed, A3 had also signed as one of the witnesses. Hence, the complaint.

4. On receipt of the complaint, the first respondent registered a FIR and after completion of investigation, filed a final report and the same has been



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taken cognizance in C.C.No.6821 of 2023, on the file of the Metropolitan Magistrate for exclusive trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases Court, Egmore, Chennai, for the offences punishable under Sections 419, 420, 465, 467, 468, 471, 474, 447 read with Sections 34 and 120(B) of IPC. Pending framing of charges, the petitioner filed an application to discharge him from all the charges. However, it was dismissed. Aggrieved by the same, this revision has been filed.

5. The learned counsel for the petitioner would submit that the petitioner has been implicated as an accused only based on the confession statement of the first accused. Except the confession statement, there is absolutely no other material to connect the petitioner to the present case. He further submitted that the petitioner's name is Maniyan. Even according to the confession statement, one Mani had involved in this case. Therefore, there is absolutely no connection between the first accused and the petitioner herein. Further, the Power of Attorney executed by the Principal in favour of the defacto complainant is also under question. It is submitted that an email was sent to the the Switzerland Embassy and a reply was received stating that, after 2008, the Principal could no longer stay in Switzerland as per the residence permit. However, without considering these facts and circumstances, the Trial Court had dismissed the



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application.

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6. A perusal of records and also on the submissions made by the learned Government Advocate (Crl.side) revealed that the subject property was owned by one Loganayaki Thanapalan. While being so, one S.T.G.Gangadharan had lent a money in favour of the said Loganayaki. In turn, the said Loganayaki had executed a Power of Attorney in favour of S.T.G.Gangadharan by the registered vide Document No.436 of 2012, in respect of the subject property. Thereafter, the power holder came to understand that on verification of encumbrance certificate, the subject property was already sold out in favour of the first accused vide Document No.7288 of 2002, on the file of SRO Sembium. Therefore, he lodged a complaint. Thereafter, the first accused was arrested and his confession statement was also recorded. Accordingly, the petitioner had only impersonated the original owner of the subject property and executed a sale deed in favour of the first accused, in which the third accused had signed as one of the witnesses.

7. Therefore, there is a specific charge as against the petitioner. According to the charge, the petitioner had only impersonated the original owner of the property and had executed a sale deed in favour of the first

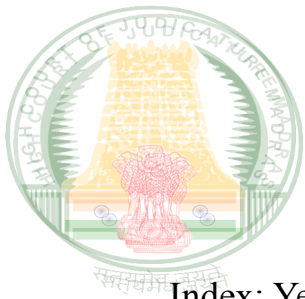


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accused. Insofar as the name is concerned, the petitioner's name is Maniyan. In the confession statement of the first accused, he had stated that one Mani had only introduced the impersonator. However, the first accused may not know the full name of the petitioner herein and as such, he had stated as Mani. It is not the ground to discharge the petitioner from the charges, since all the accused had committed very serious offence in order to grab the property to the defacto complainant. Further, insofar as the Power of Attorney executed in favour of the defacto complainant is concerned, it is also a matter for trial.

8. In view of the above, this Court finds no ground to discharge the petitioner from all the charges. Therefore, the Trial Court had rightly dismissed the petition filed by the petitioner and this Court finds no infirmity or illegality in the order passed in Crl.M.P.No.64976 of 2024 in C.C.No.6821 of 2023 pending on the file of the Metropolitan Magistrate for exclusive trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases Court, Egmore, Chennai.

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



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Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order
mn

To

1. The Metropolitan Magistrate for exclusive trial of CCB Cases
(relating to cheating cases in Chennai) and CBCID Metro Cases Court,
Egmore, Chennai.
2. The Inspector of Police,
Central Crime Branch-2,
ALGSC-II, Team - 22,
Vepery, Chennai - 600 007.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J

mn

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