



Crl.R.C.No.756 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2025

CORAM:

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

Crl.R.C.No.756 of 2025

and

Crl.M.P.Nos.10972 & 10973 of 2025

Raja @ Maheen Abubucker

..... Petitioner

Vs

The State, rep by its,
The Inspector of Police,
CCB, Team XVI A, Vepery,
Chennai – 600 007.

..... Respondent

PRAYER: Criminal Revision Case is filed under Sections 438 r/w. 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 28.01.2025 passed in Crl.M.P.No.76780 of 2024 in C.C.No.4606 of 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 allow this Revision Petition.

For Petitioner : Mr.M.Devaraj
for Mr.R.Gopinath

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

This Criminal Revision Case has been filed challenging the order

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dated 28.01.2025 passed in CrI.M.P.No.76780 of 2024 in C.C.No.4606 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, Egmore, Chennai, thereby dismissing the application filed by the petitioner seeking discharge from the charges under Sections 120B, 419, 420, 423, 465, 467, 468, 471 and 474 of IPC r/w 34 of the Registration Act, 1908.

2. The case of the prosecution is that originally the property belonged to the defacto complainant, having been purchased through a registered sale deed from his vendor. On verification of the encumbrance certificate, the defacto complainant found that the very same property was sold out to various third parties by A1 to A3 who by impersonating the owner executed a forged power of attorney in favour of A1. Subsequently, A1, with the help of A2 and A3, sold the subject property to various persons Hence, the present charges were framed.

3. The learned counsel appearing for the petitioner would submit that though the petitioner has been arrayed as A3, he was an employee of A1



and has nothing to do with the offence as alleged by the defacto complainant.

WEB COPY There is absolutely no material on record to connect the petitioner to the alleged offences under Sections 120B, 419, 420, 423, 465, 467, 468, 471 and 474 of IPC r/w 34 of the Registration Act, 1908. No document was signed by the petitioner. Even according to the case of the prosecution, A1 obtained a power of attorney by impersonating and sold the properties to various third parties, in which A2 stood as a witness. The petitioner had neither signed as a witness nor executed any document related to the alleged offence. Even then the prosecution has falsely implicated the petitioner as an accused without any substantive evidence.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. A perusal of the statement of the defacto complainant reveals that there are specific allegations against the petitioner, since he actively participated along with A1 and A2, during the execution of the sale deed in favour of various third parties. The power of attorney was executed in favour of A1 by impersonating the defacto complainant, in which the petitioner actively played role and as such, the prosecution rightly charged the petitioner



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for the offences under Sections 120B, 419, 420, 423, 465, 467, 468, 471 and

474 of IPC r/w 34 of the Registration Act, 1908. Hence, the Trial Court rightly dismissed the application seeking discharge of the petitioner from the said charges.

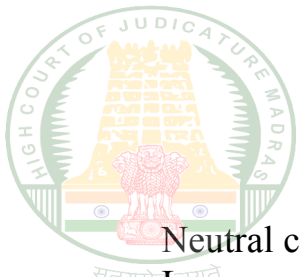
6. In view of the above, this Court finds no infirmity or illegality in the order dated 28.01.2025 passed in Crl.M.P.No.76780 of 2024 in C.C.No.4606 of 2023, by the learned Metropolitan Magistrate for exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai. However, the personal appearance of the petitioner before the Trial Court is dispensed with and he shall be permitted to be represented by a counsel after filing appropriate application. The petitioner shall be present before the Court at the time of furnishing copies, framing of charges, questioning under Section 351 of BNSS and at the time of passing judgment.

7. In the result, this Criminal Revision Case stands dismissed. Consequently, connected miscellaneous petitions are closed.

13.06.2025

Index : Yes/No

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Neutral citation : Yes/No

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To

1. 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,
CCB, Team XVI A, Vepery,
Chennai – 600 007.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.
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