



Crl.R.C.No.855 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 21.07.2025

CORAM:

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

Crl.R.C.No.855 of 2025
and Crl.M.P.No.11663 of 2025

Regina Fatima Marie Saint Jacques
Rep. through her Power Agent
L.Muruganantham

... Petitioner

Vs.

The State,
The Inspector of Police,
Odiansalai Police Station,
Puducherry – 605 001.

... Respondent

PRAYER: Criminal Revision has been filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the order dated 16.04.2025 passed by the learned III Additional Sessions Judge, Puducherry, in Crl.M.P.No.14 of 2025 in S.C.No.21 of 2019 and to direct a re-investigation into the Power of Attorney bearing document No.343 of 2005 dated 07.10.2005 by an independent investigation agency or such appropriate agency as this Court may deem fit.

For Petitioner : Mr.G.S.Janani

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Pondy)



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ORDER

This Criminal Revision has been preferred challenging the order

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dated 16.04.2025 passed by the learned III Additional Sessions Judge, Puducherry, in Crl.M.P.No.14 of 2025 in S.C.No.21 of 2019, thereby dismissing the petition filed under Section 193(9) of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking re-investigation with regard to Power of Attorney Document registered in Doc. No. 343 of 2005.

2. The petitioner is the defacto complainant and she lodged complaint alleging that the petitioner's father viz., Antoine Saint Jacques was murdered by a notorious rowdy history sheeter Destine, who cunningly planed his niece Huqo Dexine. She charmed her way into the heart of Saint Jacques Antoine and managed to get herself appointed as General Power of Attorney for all his properties including the properties situated at Puducherry and Pattanur Village, Thiruchitrambalam, Tindivanam, Tamilnadu. On the strength of the Power of Attorney, she sold out all the properties to various buyers by way of registration of sale deeds. When it came to the knowledge of the petitioner's deceased father, she had not opened account and not given him any penny and also did not provide any accounts as stipulated in the Power of Attorney and he realised that he was cheated by his power holder.



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3. Therefore, the petitioner's deceased father issued public advertisement with regard to the property situated at Puducherry that he had not given any right to anyone to sell the said property and those who buy will be responsible for any loss. Even before the cancellation of Power of Attorney, he was murdered by all the accused. However, they got acquitted since the witnesses turned hostile. Thereafter the first accused who was being the notorious rowdy sheeter, was also murdered by other accused persons. Therefore, all the accused persons conspired together to cheat and murder the petitioner's father in order to grab the properties and thereafter sold out the entire properties on the strength of the Power of Attorney.

4. On receipt of the said complaint, the respondent registered the FIR in Crime No.101 of 2017 for the offences punishable under Section 420, 468, 471, 120-B, 392, 506(ii) r/w. 34 of IPC. After completion of investigation, the respondent filed final report and the same was taken cognizance in S.C.No.21 of 2019 on the file of the learned III Additional District Judge, Puducherry, in which the petitioner and her sister were shown as L.W.1 & L.W.2. They are living in France.



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5. However, the respondent failed to investigate in respect of the power of attorney executed in favour of the first accused and its subsequent sale transactions. Further, the certified copy of the said power of attorney was marked through P.W.11 viz., the Sub Registrar, without even conducting any investigation on the power of attorney. Therefore, in order to recall the evidence, the petitioner filed petition in Crl.M.P.No.524 of 2024 in S.C.No.21 of 2019 before the trial Court. However, it was dismissed by the trial Court by an order dated 30.01.2024. Aggrieved by the same the petitioner preferred a quash petition before this Court in Crl.O.P.No.4676 of 2025 and this Court by an order dated 06.03.2025 dismissed the same with liberty to file necessary application for re-investigation in respect of the power of attorney, which was marked through P.W.11.

6. Accordingly, the petitioner filed application under Section 193(9) of BNSS seeking re-investigation in respect of power of attorney. However, it was dismissed on the ground that after commencement of trial and examination of some of the witnesses, the trial court has no power to re-investigate and it can be ordered only by a Constitutional Court. Further, the prosecution had already examined 38 witnesses and as such the plea for



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re-investigation was dismissed by the trial Court. Aggrieved by the same, the present revision case.

7. The learned counsel appearing for the petitioner submitted that though the trial Court has no power or jurisdiction to order reinvestigation after commencement of trial, this Court vested with power to order reinvestigation. Admittedly, the respondent filed final report without even conducting any investigation on the power of attorney which was executed in favour of the first accused. It is a vital document and therefore it is necessary to conduct investigation about the forged signature of the principal and fabrication of the power of attorney. Further though this Court permitted the petitioner and another witness to appear for examination through video conference in Crl.O.P.No.2565 of 2025 by an order dated 28.02.2024, an Indian Embassy at France failed to assist the petitioner and L.W.2 to appear before the trial Court through video conference to record their evidence. Therefore, the petitioner and L.W.2 were not able to appear through video conference to give evidence.

8. The learned Public Prosecutor (Pondy) appearing for the respondent submitted that the petitioner and the sisters are shown as LW1 and L.W.2. Though they were permitted to give evidence through video conference,

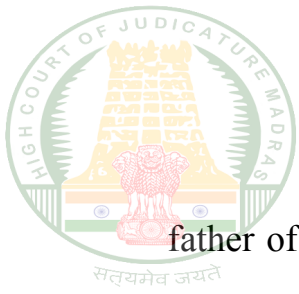


they did not appear before the trial Court so far and they failed to co-operate with the trial. That apart, reinvestigation cannot be ordered by the trial Court and as such it was rightly dismissed by the trial Court.

9. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

10. On perusal of the records, it is revealed that on the complaint lodged by the petitioner, the respondent filed final report and the same was taken cognizance by the trial Court and it is pending trial. Admittedly, without even conducting any investigation with regard to the power of attorney, the respondent filed final report. The specific allegation of the petitioner is that the signature of the principal had been forged and the said document is a fabricated one.

11. Considering the above facts and circumstances, the order dated 16.04.2025 passed by the learned III Additional Sessions Judge, Puducherry, in Crl.M.P.No.14 of 2025 in S.C.No.21 of 2019, is hereby set aside and the respondent is directed to conduct further investigate in Crime No.101 of 2017 in respect of way in which, the power of attorney was executed by the deceased



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father of the petitioner, registered vide document No.343 of 2005 in favour of

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the first accused in respect of the property owned by him and complete the same within a period of six weeks and to file final report, if any, before the trial Court on or before 01.09.2025. It is made clear that the respondent shall investigate in respect of the above document by considering the vital questions raised by the petitioner which has already been circulated before the trial Court along with memo dated 08.02.2024. Till then, the trial Court shall stop the trial proceedings and continue after the receipt of the additional report, if any, filed by the respondent viz., after 01.09.2025. Further, the trial Court is directed to give necessary directions to the Indian embassy at France, to assist the petitioner and L.W.2 to give evidence through video conference, in accordance with law.

12. With the above directions, the Criminal Revision Case stands allowed. Consequently, connected miscellaneous petition is closed.

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Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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G.K.ILANTHIRAIYAN. J,

rts

To

1. The III Additional Sessions Judge,
Puducherry,

2. The Inspector of Police,
Odiansalai Police Station,
Puducherry – 605 001.

3. The Public Prosecutor,
Madras High Court,
Chennai.

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