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Crl.R.C.No.1022 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2025

CORAM:

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

Crl.R.C.No.1022 of 2025

and

Crl.M.P.No.13462 of 2025

T.Sivanandan

..... Petitioner

Vs

The State Rep. by
The Inspector of Police,
Commercial Crime Investigation Wing,
Coimbatore City,
Coimbatore.
Crime No.1 of 2015

..... Respondent

Prayer: Criminal Revision is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records relating to the order dated 22.10.2024 passed in Crl.M.P.No.13609 of 2024 on the file of the learned Judicial Magistrate No.IV Coimbatore, and set aside the same by allowing the above Crl.R.C.

For Petitioner : Mr.R.Bharath Kumar

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

ORDER



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This Criminal Revision Case has been preferred as against

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the order dated 22.10.2024 passed in Crl.M.P.No.13609 of 2024 on the file of the learned Judicial Magistrate No.IV, Coimbatore, thereby dismissing the petition seeking discharge.

2. The learned counsel appearing for the petitioner submitted that there are absolutely no sufficient allegations to frame charges. Even after framing of charges, a revision is very much available. In support of his contention, he relied upon the Judgment reported in **(2014) 2 LW (Cri) 277** in the case of ***A.Subramanian Vs. The Inspector of Police, CBI Economic Offences Unit II, III Floor, CBI Head Quarters 5B Lodhi Road, New Delhi 110 003***, in which, this Court held that in order to find out whether the Special Court has applied its judicial mind, while passing the impugned order before framing charges, which would substantially affect the right of the accused and while giving the reasons for the rejection of the grounds for discharge, the Court in revisional jurisdiction has to necessarily entertain the revision to exercise its powers to correct the illegality committed, if any, by the Trial Court. Even assuming that the reason is maintainable.

3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the charges have already been framed as

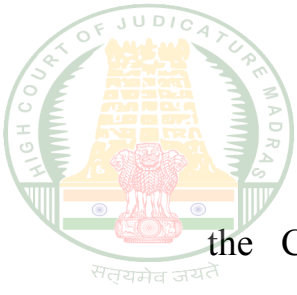


against the petitioner and as such, the question of discharging the petitioner does not arise.

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

5. A perusal of the records reveals that the the petition filed by the petitioner seeking discharge cannot be entertained. The entire materials placed on record clearly disclose a specific overt act attributed to the petitioner. Further, based on the enquiry report under Section 81 of the Tamil Nadu Co-operative Societies Act, an FIR came to be registered and charges have already been framed by the Trial Court. Therefore, the Trial Court rightly dismissed the discharge petition.

6. In view of the above, this Court finds no infirmity or illegality in the order dated 22.10.2024 passed in Crl.M.P.No.13609 of 2024 on the file of the learned Judicial Magistrate No.IV, Coimbatore. 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



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the Court at the time of furnishing copies, framing of charges, questioning under Section 351 of BNSS and at the time of passing judgment. The Trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

7. Accordingly, this Criminal Revision Case stands dismissed. Consequently, connected miscellaneous petition is closed.

09.07.2025

Index : Yes/No
Internet : Yes/No
Speaking/Non Speaking order
Lpp

To

1.The Judicial Magistrate No.IV,
Coimbatore.

2.The Inspector of Police,
Commercial Crime Investigation Wing,

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Coimbatore City,
Coimbatore.

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

G.K.ILANTHIRAIYAN. J.

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