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Crl.RC.No.965 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

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Dominic Magee,  
S/o. Nelson Magee,  
No.10/1, Mahabalipuram Avenue,  
Off Ballard Street, Jawahar Nagar,  
Chennai – 82.

...Petitioner

Vs.

The Inspector of Police,  
Central Crime Branch,  
EDF-II, Beta -5,  
Vepery, Chennai – 07.

... Respondent

**PRAYER:** Criminal Revision Petition filed under Section 438 r/w.442 of BNSS to call for the records in order dated 26.03.2025 on the file of the learned Metropolitan Magistrate, for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai in Crl.M.P.No.55956 of 2024 in C.C.No.263 of 2024 and set aside the same.

For Petitioner : Mr.Sirajudeen

for Mr.S.Senthilvel

For Respondents : Mr.A.Gopinath

Govt. Advocate (Crl.side)



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**ORDER**

**WEB COPY** This revision has been preferred as against the order dated 26.03.2025

on the file of the learned Metropolitan Magistrate, for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai in Crl.M.P.No.55956 of 2024 in C.C.No.263 of 2024, thereby dismissing the petition to discharge the petitioner.

2. The case of the prosecution is that the first accused was in-charge of Head of Internal Services of the British Council Division, Chennai (hereinafter referred to as “Council”) from 09.08.2011 to 17.01.2012. While being so, the first accused conspired with the second accused / petitioner and suppressed the fact that the second accused is his close relative and thereby forged the signature of one Mr.Chris Gibson, who was the then Director South India of the Council and awarded contract in favour of the second accused who is the proprietor of JMJ Enterprises, for supplying of toiletries and cleaning materials. Thereafter, the entire amount was shared by both the accused. Hence the complaint.



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3. On receipt of the said complaint the respondent registered a FIR in Cr.No.461 of 2012 for the offences punishable under Sections 465, 476, 468, 471, 477-A, 420 r/w. 120(b) IPC. After completion of investigation the respondent filed a final report and the same has been taken cognizance by the trial Court in C.C.No.263 of 2024. While pending framing of charges, the petitioner who is being the second accused filed an application to discharge him from all the charges and the same was dismissed. Aggrieved by the same, the present Criminal Revision has been filed.

4. The learned Senior Counsel appearing for the petitioner submitted that the petitioner is arrayed as A2 and he is a deaf and dumb. He is the sole proprietor of JMJ Enterprises and supplying all toiletries and cleaning materials as per the contract awarded in his favour by Mr.Chris Gibson, the then Director South India of the Council. Accordingly, the second accused supplied all materials and on receipt of the said materials, the receiving end complained that the materials which were supplied were of sub-standard quality. Further, even according to the case of the prosecution, the first accused only forged the signature of the then Director South India of the Council and the petitioner / A2 has got nothing to do with the crime



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committed by the first accused.

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4.1 The learned Senior Counsel for the petitioner also produced the statement of accounts of petitioner's JMJ Enterprises and pointed out the money transaction. Therefore, the JMJ Enterprises is very much in existence. Further, as per the Contract entered into between the Council and JMJ Enterprises, if there is any dispute in respect of quality of material supplied by the Contractor, there is an Arbitration Clause in Clause 16.1. Further there is a specific clause for assignment and subcontract in Clause 7.1.

5. Per contra, the learned Government Advocate (Crl.side) submitted that the petitioner / A2 is the own brother-in-law of A1. When the first accused was in-charge of Head of Internal Services of the Council Division, from 09.08.2011 to 17.01.2012, he forged the signature of the Director of the Council and awarded contract in favour of the second accused by suppressing the fact that the second accused is his close relative. Therefore, the petitioner had committed a very serious offence and thereby misappropriated to the tune of Rs.62,50,000/-. Hence the trial Court has



rightly dismissed the petition and it does not warrant any interference.

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6. Heard both sides and perused the materials available on record.

7. In this case, there are two accused and the petitioner is arrayed as A2. The petitioner is now facing charges for the offences under Section Sections 465, 476, 468, 471, 477-A, 420 r/w. 120(b) IPC. Admittedly, the petitioner / A2 is the brother-in-law of A1. Though the petitioner is deaf and dumb, he is the proprietor of JMJ enterprises. Both A1 and A2 conspired together and the first accused claimed that the second accused is a physically challenged person and cheated the Council and also misappropriated to the tune of Rs.62,50,000/-.

8. On perusal of the statement of L.W.2 reveals that there are materials available in order to attract the offences under Section 465, 476, 468, 471, 477-A, 420 r/w. 120(b) IPC as against the petitioner. Further, the first accused forged the signature of the Director of Council and awarded contract in favour of the second accused. The second accused was fully aware that the first accused forged the signature of the Director of the



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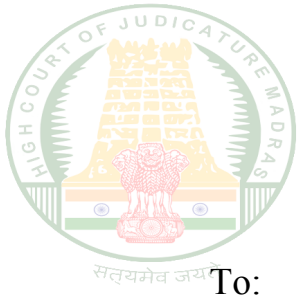
Council and awarded the contract in his favour. Therefore, both the accused have committed a very serious offence of misappropriation of Rs.62,50,000/-.

9. On perusal of the contract entered into between the Contractor and the Council reveals that the dispute can be referred to Arbitrator for redressing the dispute. Both A1 and A2 have committed a very serious offence as against the Council and as such it cannot be referred to an Arbitrator. There are *prima facie* materials available on record to frame charges under Sections 465, 476, 468, 471, 477-A, 420 r/w. 120(b) IPC as against the second accused. Hence, the trial Court has rightly dismissed the petition and this Court finds no illegality or infirmity in the order passed by the trial.

10. In view of the above observations, this Criminal Revision Case stands dismissed. Connected miscellaneous petitions are closed.

03.07.2025

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To:  
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1. The 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,  
Central Crime Branch,  
EDF-II, Beta -5,  
Vepery, Chennai – 07.

3. The Public Prosecutor,  
Madras High Court.



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**G.K.ILANTHIRAIYAN, J.**

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