



Crl.R.C.Nos.1184, 1185, 1186, 1187, 1188, 1189, 1190,
1193, 1194 and 1195 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

**Crl.R.C.Nos.1184, 1185, 1186, 1187, 1188, 1189, 1190, 1193, 1194 and
1195 of 2025**

and

**Crl.M.P.Nos.14328, 14330, 14334, 14335, 14338, 14339, 14340, 14342,
14360, 14361, 14362, 14363, 14366, 14371, 14378, 14379, 14380, 14383,
14384 & 14385 of 2025**

Farouk M.Irani

... Petitioner in Crl.R.C.Nos.1184,
1185, 1186, 1188, 1189
& 1193 of 2025

Vs.

State rep. by,
Inspector of Police,
Central Bureau of Investigation,
BS & FC, No.36, 2nd Floor, Bellary Road,
Ganganagar, Bangalore – 560 032.

... Respondent in Crl.R.C.Nos.1184,
1185, 1186, 1188, 1189
& 1193 of 2025

Prayer in Crl.R.C.No. 1184 of 2025: Criminal Revision Case has been filed under Section 397 r/w 401 of Code of Criminal Procedure, to call for the records in Crl.M.P.No.49131/2023 in CC.No.8408/2018 on the file of the learned Additional Chief Metropolitan Magistrate for C.B.I Cases, Egmore, Chennai, set aside the order dated 05.06.2025 passed in Crl.M.P.No.49131/2023 in CC.No.8408/2018 passed by the learned Additional Chief Metropolitan Magistrate for CBI Cases, Egmore.



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Prayer in Crl.R.C.No.1185 of 2025: Criminal Revision Case has been filed under Section 397 r/w 401 of Code of Criminal Procedure, to call for the records in Crl.M.P.No.49129/2023 in CC.No.8030/2018 on the file of the learned Additional Chief Metropolitan Magistrate for C.B.I Cases, Egmore, Chennai set aside the order dated 05.06.2025 passed in Crl.M.P.No.49129/2023 in C.C.No.8030/2018 passed by the learned Additional Chief Metropolitan Magistrate for CBI Cases, Egmore.

Prayer in Crl.R.C.No.1186 of 2025: Criminal Revision Case has been filed under Section 397 r/w 401 of Code of Criminal Procedure, to call for the records in Crl.M.P.No.49142/2023 in C.C.No.8031/2018 on the file of the learned Additional Chief Metropolitan Magistrate for C.B.I Cases, Egmore, Chennai set aside the order dated 05.06.2025 passed in Crl.M.P.No.49142/2023 in CC.No.8031/2018 passed by the learned Additional Chief Metropolitan Magistrate for CBI Cases, Egmore.

Prayer in Crl.R.C.No.1188 of 2025: Criminal Revision Case has been filed under Section 397 r/w 401 of Code of Criminal Procedure, to call for the records in Crl.M.P.No.49143/2023 in C.C.No.279/2019 on the file of the learned Additional Chief Metropolitan Magistrate for C.B.I Cases, Egmore, Chennai, set aside the order dated 05.06.2025 passed in Crl.M.P.No.49143/2023 in C.C.No.279/2019 passed by the learned Additional Chief Metropolitan Magistrate for CBI Cases, Egmore.



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PRAYER in Crl.R.C.No.1189 of 2025: Criminal Revision Case has been filed under Section 397 r/w 401 of Code of Criminal Procedure, to call for the records in Crl.M.P.No.49136/2023 in C.C.No.7756/2018 on the file of the learned Additional Chief Metropolitan Magistrate for C.B.I Cases, Egmore, Chennai, set aside the order dated 05.06.2025 passed in Crl.M.P.No.49136/2023 in C.C.No.7756/2018 passed by the learned Additional Chief Metropolitan Magistrate for CBI Cases, Egmore.

Prayer in Crl.R.C.No. 1193 of 2025: Criminal Revision Case has been filed under Section 397 r/w 401 of Code of Criminal Procedure, to call for the records in Crl.M.P.No.49143/2023 in C.C.No.8409/2018 on the file of the learned Additional Chief Metropolitan Magistrate for C.B.I Cases, Egmore, Chennai, set aside the order dated 05.06.2025 passed in Crl.M.P.No.49143/2023 in C.C.No.8409/2018 passed by the learned Additional Chief Metropolitan Magistrate for CBI Cases, Egmore.

Crl.R.C.No. 1187 of 2025

Farouk M.Irani

... Petitioner

Vs.

State rep. by,
Inspector of Police,
CBI-ACB, Bangalore.

... Respondent

Prayer in Crl.R.C.No. 1187 of 2025: Criminal Revision Case has been filed under Section 397 r/w 401 of Code of Criminal Procedure, to call for the records in Crl.M.P.No.49238/2023 in C.C.No.2986/2020 on the file of the



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learned Additional Chief Metropolitan Magistrate for C.B.I Cases, Egmore, Chennai, set aside the order dated 05.06.2025 passed in Crl.M.P.No.49238/2023 in C.C.No.2986/2020 passed by the learned Additional Chief Metropolitan magistrate for CBI Cases, Egmore.

Crl.R.C.No. 1190 of 2025

Farouk M.Irani

... Petitioner

Vs.

State rep. by,
Inspector of Police,
CBI, BSFB, Bangalore.

... Respondent

Prayer in Crl.R.C.No.1190 of 2025: Criminal Revision Case has been filed under Section 397 r/w 401 of Code of Criminal Procedure, to call for the records in Crl.M.P.No.49138/2023 in C.C.No.4239/2019 on the file of the learned Additional Chief Metropolitan Magistrate for CBI Cases, Egmore, Chennai, set aside the order dated 05.06.2025 passed in Crl.M.P.No.49138/2023 in C.C.No.4239/2019 passed by the learned Additional Chief Metropolitan Magistrate for CBI Cases, Egmore.

Crl.R.C.Nos. 1194 & 1195 of 2025

Farouk M.Irani

... Petitioner in Crl.R.C.Nos.1194
& 1195 of 2025

Vs.

State rep. by,
Inspector of Police,
Central Bureau of Investigation,
BS & FB, No.36, 2nd Floor, Bellary Road,



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... Respondent in Crl.R.C.Nos.1194
& 1195 of 2025

Prayer in Crl.R.C.No. 1194 of 2025: Criminal Revision Case has been filed under Section 397 r/w 401 of Code of Criminal Procedure, to call for the records in Crl.M.P.No.49125/2023 in C.C.No.4237/2019 on the file of the learned Additional Chief Metropolitan Magistrate for C.B.I Cases, Egmore, Chennai set aside the order dated 05.06.2025 passed in Crl.M.P.No.49125/2023 in C.C.No.4237/2019 passed by the learned Additional Chief Metropolitan magistrate for CBI Cases, Egmore.

Prayer in Crl.R.C.No. 1195 of 2025: Criminal Revision Case has been filed under Section 397 r/w 401 of Code of Criminal Procedure, to call for the records in Crl.M.P.No.49122/2023 in C.C.No.4238/2019 on the file of the learned Additional Chief Metropolitan Magistrate for CBI Cases, Egmore, Chennai set aside the order dated 05.06.2025 passed in Crl.M.P.No.49122/2023 in C.C.No.4238/2019 passed by the learned Additional Chief Metropolitan Magistrate for CBI Cases, Egmore.

For Petitioner : Mr.R.Baskar
(in all cases)

For Respondent : Mr.K.Srinivasan
(in all cases) Special Public Prosecutor for CBI Cases



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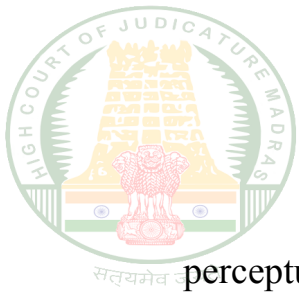
COMMON ORDER

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All these are connected cases. The cases involve a company known as M/s.First Leasing Company of India Limited obtaining several loans from bank and failing to repay the same, causing a loss to the banks to the tune of more than Rs.1000 crores.

2. The present applications are filed by *Mr.Farouk M. Irani*, who has been prosecuted as one of the accused, being the Managing Director of the said company in all these cases. The application is filed under Section 329 of the *Code of Criminal Procedure*, with a prayer to record the incapacity of *Mr.Farouk M. Irani* to defend himself in the above cases due to his mental illness and to postpone the further proceedings in the above cases.

3. The case of the petitioner is that he is now 84 years old and is suffering from Dementia/Cognitive Impairment. Due to the said diseases, he is unable to perform even his day-to-day activities. In the neuropsychological report dated 30.06.2022, based on tests conducted at Apollo Hospitals, Chennai, the clinical neurologist has diagnosed the petitioner as suffering from moderate deficits in bilateral memory functions, deficits in tests of



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perceptual reasoning and mild cognitive decline. Thereafter, he was advised to undergo further tests by *Dr.Joy D.Desai* in the year 2023 and the neuropsychological report found mild impairment of non-verbal reasoning skills, verbal reasoning at a low average level, significant deficits in bilateral memory functions and other impairments suggesting an overall profile indicative of moderate and diffuse cognitive impairment, more prominent in non-verbal tasks, especially relating to temporal, parietal and frontal lobe functions.

4. The affidavit filed by the petitioner's wife, namely *Sherina Irani*, further pleads that the petitioner's mental condition and memory are essential and necessary for him to defend himself in the above cases and his present condition is such that he cannot be compelled to undergo a trial, as he is not in a position to defend himself. Hence, the prayer made in the petition should be allowed.

5. The application was resisted by a counter statement filed on behalf of the prosecution. It is stated that it is only the accused who are unduly postponing the trial and that the claim that the petitioner is not in a position to



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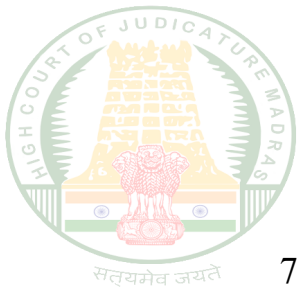
face the trial is denied. Under these circumstances, the petitioner was referred for examination by a medical board comprising experts at the Institute of Mental Health, Kilpauk and an interim order to that effect was passed on 31.07.2024. Thereafter, the petitioner was examined by the medical board and the following is the impression given by the Department of Clinical Psychology, Institute of Mental Health, Kilpauk:

“Impression

Based on the current psychometric evaluation says that the patient who has average intelligence based on his past history of heading a company for around 30 years. Based on his performance the initial screenings showed cognitive impairment (Mini Cog – 2 & MOCA – 14) and detailed neuropsychological evaluation showed he has adequate higher executive functioning, but showed difficulty in basic cognitive functions which is not usually a pattern of cognitive impairment. This was confirmed by MFIT (MFIT – 8) suggestive possibility of malingering behaviour.”

6. The final report by the board is as follows:

“The expert committee opines that Mr.Farouk Irani does not suffer from any unsoundness of mind, mental disorder, or dementia”



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7. Thereafter, the Court took up the application filed by the petitioner for enquiry. The Trial Court rejected the contra medical reports filed by the petitioner and held that the petitioner had obtained the same belatedly, only to falsify the report of the medical board and dismissed the petitions. Aggrieved by the same, the present revision petitions are filed.

8. Heard the learned counsel appearing for the petitioner.

9. The learned counsel appearing for the petitioner first attacked the psychological report that is submitted by the Institute of Mental Health by stating that it is self contradictory in nature. Every test that is conducted shows that the petitioner is suffering from dementia and also has cognitive impairment. He pointed out the following test findings contained in the said report:

“On Mini-Cog, he acquired a score of 2, which is indicative of that the patient is validated for dementia screening.

On MOCA, He acquired a score of 14, which is indicative of moderate level of cognitive impairment.”



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10. Thereafter, he took this Court through the various findings given with reference to cognitive functioning, attention and concentration, language functioning, verbal learning and memory, visual learning and memory, etc., and submitted that the findings in those paragraphs go very much against the final impression given. In any event, once the test categorically mentions that the patient is validated for dementia screening, without even screening him for dementia, the report concludes that he does not suffer from dementia. Therefore, the report of the medical board has to be rejected by the Court.

11. The learned counsel further submitted that, per contra, the PET-CT scan report produced by the petitioner from Jaslok Hospital and Research Centre, dated 19.04.2025, gives an impression that the findings are suggestive of advanced Alzheimer's disease. Based on the said PET-CT scan report, *Dr.Joy D. Desai* has also given a certificate dated 21.04.2025, wherein he has concluded that the neuropsychological evaluation by *Dr.Urvashi Shah* confirms deficits compatible with Alzheimer's disease. The PET scan report is consistent with advanced Alzheimer's disease. Therefore, such a certificate is produced only to prove that the medical board erred in not taking such



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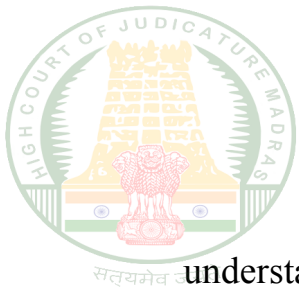
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advanced tests to confirm the disease and gave an opinion without even performing those tests on the petitioner. The Trial Court erred in rejecting the same, treating it as if the petitioner had obtained the reports merely to falsify the medical board's opinion. The petitioner is aged 84 years and the Trial Court ought to have considered his condition. When he is not in a position to defend himself, the petition ought to have been allowed.

12. Per contra, the learned Special Public Prosecutor appearing for the respondent supported the order of the Trial Court and submitted that the Trial Court has to rely only on the expert report given by the medical board, which examined the petitioner. The trial could have progressed quickly but for the repeated attempts by various accused filing one petition after another and keeping the matter pending.

13. I have considered the rival submissions made on either side and perused the material records of the case.

14. The purpose of referring the petitioner to the medical board was to ascertain whether his psychological or physical condition is such that he is able to comprehend what is going on in the Court, whether he is able to



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understand the allegations made against him and whether he is in a position to defend himself in his best interest, considering that he is facing criminal charges. When the petitioner was referred to the medical board for that purpose, the board gave an opinion that he does not suffer from any unsoundness of mind, disorder or dementia. The said report indicates that the petitioner is very much capable of comprehending the proceedings in Court, understanding the allegations and defending himself effectively.

15. The report of the medical board is assailed on the ground that even the test findings validated the petitioner for dementia screening. In support of this, the learned counsel for the petitioner referred to the certificate issued by *Dr.Joy D. Desai*. However, on perusing the certificate, it is found that it is based on the report of *Dr.Urvashi Shah*, to whom the petitioner had himself consulted and the detailed report of the said expert is also placed on record. Upon perusal of the same, the following are the findings that is given by *Dr.Urvashi Shah*, and the same are extracted hereunder for ready reference:

“ There are no depressive features (GDS=2) but the family reports anxiety, sleep disturbances and agitation on the NPI rating scale. The CDR score of 1



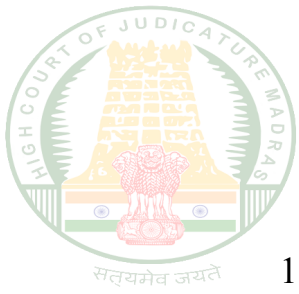
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suggests Mild Dementia.

The clinical history of progressive forgetfulness, increasing disorientation, progressive compromise in IADL functioning, along with a specific pattern of memory and perceptual cognitive impairments on objective testing, suggests a provisional diagnosis of Alzheimer's Disease.”

16. Even on examining the said report, nothing has been mentioned to doubt on the findings of the medical board that the petitioner is capable of defending himself. After all, it also suggests that the CDR score indicates mild dementia and there is only a provisional diagnosis of Alzheimer's disease. Therefore, for the present, since the medical board finds that the petitioner does not suffer from any unsoundness of mind, disorder or dementia that would render him incapable of understanding Court proceedings and defending himself effectively, I am unable to agree with the various contentions of the learned counsel appearing for the petitioner. Even though detailed arguments were made assailing the findings of the Trial Court, the ultimate decision of the Trial Court in rejecting the application cannot be found fault with.



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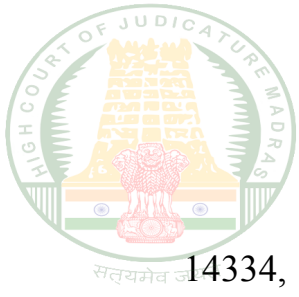
17. Under the said circumstances, the Trial Court is requested to conduct the cases as expeditiously as possible.

18. In view of the above, these Criminal Revision Cases stands *disposed of*.

19. At this stage, the learned counsel appearing for the petitioner pleads that the medical and physical condition of the petitioner may be considered for dispensing with his presence, since he is 84 years old. The said prayer is considered.

20. Accordingly, the presence of the petitioner before the Trial Court for all hearings, except for necessary hearings such as framing of charges, questioning or any other hearing which the Trial Court deems necessary, is dispensed with.

21. Consequently, connected miscellaneous petitions in Crl.M.P.Nos.14330, 14335, 14339, 14342, 14361, 14363, 14371, 14380, 14383 & 14385 of 2025 are *ordered* and Crl.M.P.Nos.14378, 14379, 14384,



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14334, 14338, 14366, 14340, 14362, 14328, 14360 of 2025 are *dismissed*.

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24.07.2025

Neutral Citation: Yes
nsl

To

1. The Inspector of Police,
Central Bureau of Investigation,
BS & FC, No.36, 2nd Floor, Bellary Road,
Ganganagar, Bangalore – 560 032.
2. The Inspector of Police,
CBI, BSFB, Bangalore.
3. The Inspector of Police,
Central Bureau of Investigation,
BS & FB, No.36, 2nd Floor, Bellary Road,
Ganganagar, Bangalore – 560 032.
4. The Additional Chief Metropolitan Magistrate for CBI Cases,
Egmore, Chennai.
5. The Special Public Prosecutor for CBI Cases,
High Court, Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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