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Crl.R.C.No.1547 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.03.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1547 of 2023
and
Crl.M.P.No.14159 of 2023
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M/s.Saravana Selvarathinam Trading
and Manufacturing Pvt. Ltd.,
Rep. by its Managing Director
Mr.S.Saravana Arul, S/o Selvarathinam,
No.14, Ranganathan Street,
T.Nagar,
Chennai-600 017.

.. Petitioner

Vs.

R.Arumugasamy, S/o Ramajayam Nadar

.. Respondent

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C. to call for the records in Crl.M.P.No.4476 of 2023 in E.C.C.C.No.52 of 2010 pending on the file of the Additional Chief Metropolitan Magistrate, E.O.-I, at Egmore, Chennai and set aside the same and direct the trial Court to add and alter the charges as prayed for.

For petitioner : Mr.S.M.Nandhie Devhan

For respondent: Mr.A.Nagaraja

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ORDER

The petitioner/complainant/Company has filed the present revision petition seeking to call for the records in CrI.M.P.No.4476 of 2023 in E.C.C.C.No.52 of 2010 pending on the file of the Additional Chief Metropolitan Magistrate, E.O.-I, at Egmore, Chennai and set aside the same and direct the trial Court to add and alter the charges as prayed for.

2. The complainant/Company has filed a complaint before the Additional Chief Metropolitan Magistrate (EO-1), Egmore, Chennai, and the complaint was taken on file in CrI.M.P.No.4476 of 2023 (CNR No.TNCH13-004491-2023) in E.O.C.C.No.52 of 2010 (CNR No.TNCH13-000008-2010).

3. Pending the said complaint, the revision petitioner-Complainant has filed the above said CrI.M.P. under Section 216 Cr.P.C. for altering the charge(s) and the said complaint was dismissed by the Additional Chief Metropolitan Magistrate, against which, the present revision petition is filed by the complainant-Company.

4. It is seen from the records that the main case (E.O.C.C.No.52 of 2010)

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was filed in the year 2010 and it was pending for more than 12 years.

Thereafter, the petitioner has filed the said Crl.M.P. under Section 216 Cr.P.C. for alteration of the charge(s). After filing of the complaint and after hearing the case and after enquiry, the learned Metropolitan Magistrate dismissed the said Crl.M.P. by passing the impugned detailed order on 05.08.2025.

5. On a perusal of the records, it is clear that even though the complaint was filed in the year 2010 itself in E.O.C.C.No.52 of 2010, the chief-examination was recorded way back on 24.08.2010 and P.W.1 was examined on 24.08.2010 itself and the cross-examination was over as early as on 12.11.2010 itself.

6. Further, P.W.2 was examined in chief on 22.09.2010 and he was cross-examined on 01.03.2012.

7. Thus, it is crystal clear that the recording of evidence of P.Ws.1 and 2 was over as early as in 2012 itself. Thereafter, the revision petitioner-complainant-Company was keeping quiet for more than ten years and woke up from deep slumber only in the year 2023 by filing Crl.M.P.No.4476 of 2023 before the Additional Chief Metropolitan Magistrate, Egmore, E.O.-1, Chennai by invoking Section 216 Cr.P.P. for alteration of charge(s).

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8. On a perusal of the records, it is seen that the complaint itself was filed in the year 2008 in C.C.M.No.213 of 2008 and thereafter, after disposal of CrI.O.P.No.28270 of 2009 filed before this Court, was transferred to XVII Metropolitan Magistrate, Saidapet, Chennai and it was taken on file in the year 2010 for the charged offence(s) under Sections 406, 409, 420 and 477-A of IPC.

9. It is settled proposition of law that the Court can alter the charge(s) at any time before pronouncement of the judgment in a given case and in case, the alteration of charge(s) is required for further evidence, the Court has to give an opportunity to tender evidence, whereas, in the case on hand, the complainant was examined as P.W.1 in the year 2010 itself and another witness was examined as P.W.2 and P.W.2 was cross-examined in the year 2012 itself.

10. On a reading of the materials available on record, it is seen that the revision petitioner/company has filed complaint under Section 200 Cr.P.C. read with Section 630 of the Companies Act, 1956 in M.P.No.7147 of 2007.

11. The learned Metropolitan Magistrate had taken the complaint on file earlier in C.C.No.11 of 2008 and later, it was transferred to the E.O. Court in the year 2010 and re-numbered as E.O.C.C.No.52 of 2010.



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12. On a perusal of the facts, it is clear that the case was kept pending for more than four years and the revision petitioner/complainant had not taken any effective steps and even further it has to be stated that the witnesses, had been examined even in the year 2010 itself, but no due steps had been taken by the revision petitioner/complainant, before examination of the witnesses.

13. Therefore, the revision petitioner-complainant had approached the Court only belatedly and therefore, the learned Metropolitan Magistrate had rightly dismissed CrI.M.P.No.4476 of 2023 on 05.08.2023.

14. Thus, it is conspicuously clear that the revision petitioner/complainant had approached the Court only belatedly and no sufficient/acceptable cause had been shown as to why the complainant has not approached the Court at the earliest point of time.

15. In view of the foregoing reasons, and finding no merits, this revision petition is dismissed.

16. The learned Additional Chief Metropolitan Magistrate, E.O.-1, Egmore, Chennai, is directed to alter the charge(s), only if sufficient materials are available and proceed with the case further in accordance with law. Since the



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matter is pending from 2008 for about 17 years, the learned Additional Chief Metropolitan Magistrate, E.O.-1, Egmore, Chennai, is directed to complete the proceedings within a period of three months from the date of receipt of a copy of this order and dispose of the main complaint itself, on merits and in accordance with law. Consequently, Crl.M.P.No.14519 of 2023 is closed.

12.03.2025

CS

To

1. Additional Chief Metropolitan Magistrate, E.O.1, Egmore, Chennai-600 008.
2. The Section Officer, Criminal Section, High Court, Madras.

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P.VELMURUGAN, J

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