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Crl.R.C.No.1259 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2025

CORAM:

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

Crl.R.C.No.1259 of 2025
and Crl.M.P.Nos.14743 and 14744 of 2025

Prabhu

... Petitioner

Vs

State represented by
The Inspector of Police,
CCW Avadi,
Chennai-600 016.
Cr.No.82/2023

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in CC.No.330 of 2024 and set aside the order of framing of charges dated 14.07.2025 passed by the Learned Judicial Magistrate-I, Poonamallee in CC.No.330 of 2024.

For Petitioner : M/s P.Kritika Kamal
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)
For Intervenor : Mr.K.R.Hariharan

ORDER

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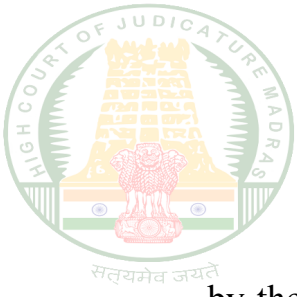
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This Criminal Revision has been filed as against framing of charges in CC.No.330 of 2024 dated 14.07.2025 passed by the Learned Judicial Magistrate-I, Poonamallee.

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

3. The case of the prosecution is that the defacto complainant is in the business of medical billing process for overseas medical billing practitioners. It offers training to the employees about the billing process. In the process of training and in the process of carrying out duties entrusted to the employees is of all confidential information of the Company. It is acknowledged by the employees to have accepted instinct value both economic and otherwise. That apart, there is an agreement to that effect that all the employees shall not disclose the terms and conditions in the agreement.

4. While being so, the first accused Company was promoted



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by the other accused persons, who were all the former employees of the defacto complainant's Company. During the period of an agreement entered between the defacto complainant and its employees, there was some misunderstanding and as such, they have cancelled their agreement. In continuance with the cancellation of agreement, the first accused Company was floated by the second accused and others in collusion with each other. It is further alleged that they have also misappropriated data from the defacto complainant Company and transferred the same to their personal E-mail Ids, thereby causing financial loss of nearly Rs.2 Crores to the defacto complainant. Hence, the present complaint.

5. After registration of FIR in Crime No.82 of 2023, the respondent had completed the investigation and filed a final report. The final report has been taken cognizance by the Trial Court in C.C.No.330 of 2024 on the file of the Judicial Magistrate-I, Poonamallee. As per the final report, charges were framed against all the accused persons, in which the petitioner is arrayed as A11.

6. The petitioner had earlier filed a petition to discharge from



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the charges, which was dismissed. The said dismissal was challenged before this Court in Crl.R.C.No.1165 of 2025. Pending revision, the Trial Court framed charges. Therefore, the said revision was dismissed as withdrawn with liberty to challenge the framing of charges. Hence, this revision.

7. The learned counsel for the petitioner would submit that the petitioner is arrayed as A11. Admittedly, he is an employee of the first accused Company. There is absolutely no material available to connect the petitioner with any of the offences as alleged by the prosecution. The petitioner joined as an employee of the first accused Company only in the mid-May, 2023. Therefore, he has nothing to do with the charges as alleged by the prosecution. She further submitted that none of the witnesses had spoken about any specific overtact of the petitioner to attract any of the charges. LWs.1 to 5 are the defacto complainant and other supporting witnesses. LWs.6 to 11 are official witnesses. Even from the statements of LWs.1 to 5 nothing has been whispered about the specific overtact of the petitioner to attract any of the charges. Therefore,



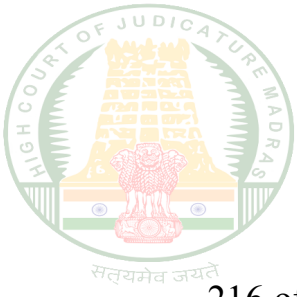
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there is absolutely no material to frame any of the charges as against the petitioner.

8. Per contra, the learned Government Advocate (Crl.side) appearing for the respondent would submit that the revision is not maintainable, as once charges are framed, the accused must face the trial and the question of challenging the framing of charges does not arise. That apart, there are specific averments and materials to attract the charges under Sections 406, 420 r/w 109, 120 and 201 of IPC, Sections 66, 66(B), 72, 72A of IT Act.

9. In support of his contentions, the learned Government Advocate (Crl.side) appearing for the respondent relied upon the Judgment of the Hon'ble Supreme Court of India reported in *MANU/SC/0500/2025*, in the case of *Directorate of Revenue Intelligence Vs. Raj Kumar Arora and others dated 17.04.2025*, in which it was held that after framing of charges, the accused cannot be discharged, be it through an exercise of the powers under Section 227 or



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216 of Cr.P.C. He also relied upon the Judgment of this Court reported in **MANU/TN/0210/2010**, in the case of **K.Selvam Vs. State dated 09.02.2010**, in which it was held that after framing of charges, the question of discharge of accused does not arise.

10. Though the defacto complainant is not a party to this revision, Mr.K.R.Hariharan, the learned counsel appeared on behalf of the defacto complainant and submitted that till the start of the first accused Company, all the accused persons were the employees of the defacto complainant's Company under an agreement. Even, while the petitioner was an employee under the defacto complainant, he transferred the details from the defacto complainant's Company to the other accused. There were multiple conversations and thereby stolen the data from the defacto complainant's Company to the other accused. There are specific allegations as against the petitioner and as such, the Trial Court had rightly framed the charges as against the petitioner.

11. There are totally 11 accused, in which the petitioner is



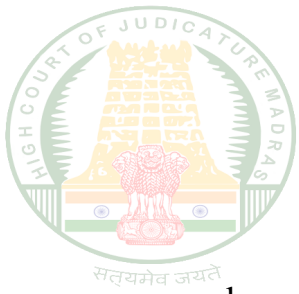
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arrayed as A11. Admittedly, the Trial Court had framed the charges and the petitioner is now challenging the framing of charges. The petitioner had already challenged the dismissal of discharge petition and when it was pending, the Trial Court framed the charges.

12. A perusal of the charges revealed that all the charges were framed based on the statements recorded from the witnesses and also materials collected from the complainant. A perusal of the statement recorded from the List of Witnesses from 1 to 5 revealed that there are specific averments as against the petitioner, who is arrayed as A11. Accordingly, the petitioner used his personal E-mail ID and transferred the entire data from the defacto complainant's Company to his personal E-mail IDs and thereafter, transferred to other accused persons, thereby causing loss nearly of Rs.2 Crores to the defacto complainant Company.

13. Though the revision is maintainable against the framing of



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charges, once the charges are framed, framing of charges cannot be challenged on merits. It can be challenged only on technical issue, if the Trial Court failed to frame the charges apart from the materials supported along with the final report.

14. Admittedly, the Trial Court rightly framed the charges as per the final report and on the materials annexed along with the final report. Therefore, once the charges have been framed against the accused, the accused cannot be discharged and he has to face the trial. Further, the accused must necessarily face trial and either be convicted or acquitted of the charges which were framed against him. No shortcuts can be permitted in the process of criminal justice.

15. In view of the above, this Court finds no infirmity or illegality in the framing of charges in CC.No.330 of 2024 dated 14.07.2025 passed by the Learned Judicial Magistrate-I, Poonamallee.



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16. Accordingly, the Criminal Revision Case stands dismissed.

However, the personal appearance of the petitioner is dispensed with and he shall be represented by a counsel after filing appropriate application.

However, the petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 351 of BNSS and at the time of passing judgment. Consequently, connected Miscellaneous petitions are closed.

30.07.2025

Internet:Yes

Index:Yes/No

Speaking/Non speaking order
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To

1. The Judicial Magistrate-I, Poonamallee.
2. The Inspector of Police,
CCW Avadi,
Chennai-600 016.
3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN. J.



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