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Crl.R.C.No.1594 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1594 of 2024

and

Crl.M.P.Nos.13243 & 13247 of 2024

Syed Abdul Azeem
S/o.Syed Abdul Rab

... Petitioner

..vs..

State by
The Inspector of Police
Central Crime Branch
Chennai-600 008,
Crime No.232 of 2003.

... Respondent

Criminal Revision Case filed under Section 438 read with 442 of BNSS, praying to call for the records and set aside the order passed by the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Chennai in Crl.M.P.No.45300 of 2023 dated 22.08.2024 in C.C.No.301 of 2004.

For Petitioner	:	Mr.N.Rajesh Durai
For Respondent	:	Mr.S.Sugendran Additional Public Prosecutor

ORDER



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WEB COPY The Criminal Revision Case is filed to set aside the order dated 22.08.2024 in Crl.M.P.No.45300 of 2023 in C.C.No.301 of 2004 by the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CB-CID Metro Cases, Egmore, Chennai.

2. The petitioner has been arrayed as A1 in C.C.No.301 of 2004, pending Calendar Case, the petitioner filed a petition in Crl.M.P.No.45300 of 2023 under Section 239 Cr.P.C. praying to discharge him from the case. The trial Court, after appreciating the entire materials and also considering the submissions of both sides, came to the conclusion that there is sufficient evidence to frame the charges against the petitioner-A1 and dismissed the petition. Challenging the same, the present petition is filed.

3. Learned counsel for the petitioner submitted that the allegation against the petitioner is that the petitioner came to British High Commission Office along with other accused and produced some passports containing with fake migration certificates with an intention of cheating. Based on the complaint given by one Michael Murtagh, Entry



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Clearance Officer, a case in Crime No.232 of 2003 was registered against the petitioner and six others for the alleged offences under Sections 420, 468, 471 read with 120(b) IPC and after investigation, final report was filed against the petitioner and others in C.C.No.301 of 2004.

4. Learned counsel for the petitioner further submitted that the petitioner was wrongly arrayed as accused No.1 in C.C.No.301 of 2004 for the offence under Sections 420, 511 and 471 read with 468 IPC and in fact, he is a victim in the case who not only lost money and also facing trial. He further submitted that L.W.2, in his 161 statement, had clearly spoken that the petitioner is also a victim by the fraudulent activities of the alleged Ramaiah. He further submitted that the status of the petitioner as well as L.W.9 is similar. L.W.9 gave his passport for UK visa entry which turned to be forged. The petitioner's passport was seized and recovered from A2 in this case. Though the trial Court gave a finding that the passport of the petitioner as well as the other accused were recovered from the petitioner, which is on a wrong understanding. He further submitted that except L.W.1, none of the witnesses have spoken about the involvement of the petitioner in the alleged offence and there is no *prima-facie* case made out as against the petitioner. The rest of the



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allegations leveled against him are baseless and it has to be rejected *in toto*. Hence, the petitioner filed a petition under Section 239 Cr.P.C. seeking to discharge him from the case. However, the trial Court without considering the submissions made by the petitioner and without properly appreciating the entire materials mechanically dismissed the petition, which warrants interference.

5. Learned Additional Public Prosecutor appearing for respondent-police submitted that the case was registered in the year 2003, after investigation, charge-sheet was filed in the year 2004 against the petitioner-A1 and six others and now the case is pending at the stage of trial.

6. On a reading of entire materials, particularly, statement recorded from the complainant and L.W.2, this Court is of the view that prima-facie allegations made out as against the petitioner to proceed with the case further. Further at the time determining the discharge petition the Court has to see only the offences levelled against the petitioner and prosecution version of the case and not the defence taken by the accused. The trial Court, upon considering the materials before it, came to



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conclusion that the petitioner's contention cannot be accepted and had rightly dismissed the discharge petition. Therefore, there is no merit in the contention raised by the petitioner and hence, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petitions are closed.

7. Since the calendar case is pending from 2004, the trial Court is directed to dispose of the case on merits and in accordance with law, as expeditiously as possible.

06.02.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No
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To

1. The Metropolitan Magistrate for Exclusive Trial of CCB Cases
(Relating to Cheating Cases in Chennai) and CBCID Metro Cases,
Chennai .
2. The Inspector of Police,
Central Crime Branch,
Chennai-600 008.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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