



Crl.R.C.No.1805 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2025

CORAM:

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

Crl.R.C.No.1805 of 2024
and Crl.M.P.No.14799 of 2024

Punam Lal

... Petitioner

Vs

The State of Tamil Nadu
Represented By Its Inspector of Police,
Economic Offences Wing -II,
Ashok Nagar,
Chennai 600 083.
Crime No.383 of 1998

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 read with 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and set aside the order dated 26.09.2024 made in Crl.MP.No. 58417 of 2024 in CC.No.1811 of 2012 on the file of Chief Metropolitan Magistrate, Egmore Chennai.

For Petitioner	: Mr.J.Ranjith Kumar for M/s Surana and Surana
For Respondent	: Mr.A.Gopinath Government Advocate (Crl.side)



Crl.R.C.No.1805 of 2024

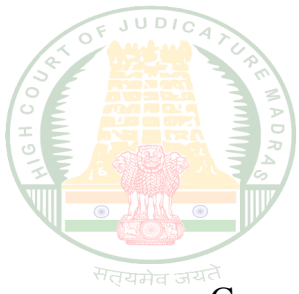
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ORDER

This Criminal Revision has been filed challenging the order dated 26.09.2024 made in Crl.MP.No.58417 of 2024 in CC.No.1811 of 2012 on the file of Chief Metropolitan Magistrate, Egmore Chennai, thereby dismissing the petition to discharge the petitioner.

2. Heard the learned counsel on either side and perused the materials available on record.

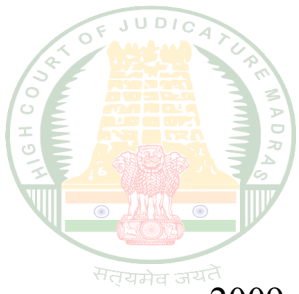
3. The contention of the learned counsel for the petitioner is that originally a case was registered in Crime No.383 of 1998 and on conclusion of investigation, charge sheet was filed in C.C.No.5098 of 2009 arraying A1 to A15. The petitioner was arrayed as A11 in the original charge sheet in C.C.No.127 of 2000. The case projected against the petitioner is that A1 is a Company in the name of M/s.Shrestra Finance Limited and A2 is its Managing Director. The petitioner is one of its Director. When the Company was founded in the year 1994 the petitioner was one of the Directors and she resigned on 29.12.1995, for which Form 32 submitted and the same was recorded by Registrar of



Crl.R.C.No.1805 of 2024

WEB COPY

Companies on 19.02.1996. The depositors are the persons who paid the money to A1 Company during December 1996 and hence after the petitioner was seized to be a Director, the money was collected by A1 Company and A2 as Managing Director, was actively taking part in the day-to-day affairs of the Company. The petitioner is arrayed as accused on the principle of vicarious liability. He further submitted that in this case it is not a deemed offence like Section 138 of Negotiable Instruments Act or any other Special Act wherein all the Directors are to be arrayed as accused mechanically unless the contrary is proved. In this case none of the witnesses stated about meeting the petitioner and the petitioner collecting any money from them. In such circumstances, the Trial Court ought to have discharged the petitioner. He would further submit that in this case due to non-appearance of the accused, the case was split up in C.C.No.5099 of 2009 against A1, A4, A6 and A8 and the case proceeded. A2, A3 and A5 died during the proceedings. A7 and A9 were discharged from the proceedings. In the present case, the proceedings in C.C.No.1811 of 2012 is against A11 to A15 [original rank assigned in C.C.No.5098 of 2009]. In both the cases viz., C.C.No.5098 of

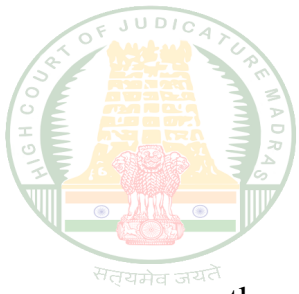


Crl.R.C.No.1805 of 2024

WEB COPY

2009 and C.C.No.5098 of 2009, all the Directors were acquitted and A1 Company alone was convicted by the Trial Court. In such circumstances, proceeding against the petitioner is nothing but an exercise in futility when the Trial Court had come to the conclusion that the other Directors who are simultaneously placed had no role in cheating the depositors. He further submitted that the impugned order neither states about the overt act against the petitioner nor about the witnesses who met the petitioner nor that the petitioner received deposits from them. But the Trial Court merely recorded that the occurrence period is during 1994-1997 and hence, the petitioner cannot be discharged forgetting to look into the judgment passed by the same Court in which it had given a categorical finding that the amount was collected at a later point of 1996 by which, the petitioner had already resigned.

4. In this regard, it is relevant to rely upon the Judgment reported in **2008 2 CTC 153** in the case of ***Thamilendi Vs State by Inspector of Police, Orathanadu Police Station, Thanjavur District and another***, in which it was held that in the event of acquittal of the



Crl.R.C.No.1805 of 2024

WEB COPY

other accused disbelieving the entire prosecution case, no useful purpose would be served in putting the petitioner to undergo the ordeal of trial. The rule of law is that, if the Court acquits some of the accused on the evidence of a witness raising doubt with regard to them, the other accused against whom there is absolute certainty about his complicity in the crime based on the remaining credible part of the evidence of that witness must be acquitted. Therefore, if some of the accused persons have been acquitted, the remaining accused persons cannot be treated differently on the basis of the same evidence. Admittedly, other accused persons were acquitted by the Trial Court.

5. In view of the above, the impugned order cannot be sustained and the petitioner cannot be ordered for an ordeal of trial and is liable to be set aside. Accordingly, the order dated 26.09.2024 made in Crl.MP.No. 58417 of 2024 in CC.No.1811 of 2012 on the file of Chief Metropolitan Magistrate, Egmore Chennai is hereby set aside. The petitioner is discharged from all the charges.



Crl.R.C.No.1805 of 2024

WEB COPY

6. Accordingly, this Criminal Revision Case is allowed.

Consequently, connected Miscellaneous petition is closed.

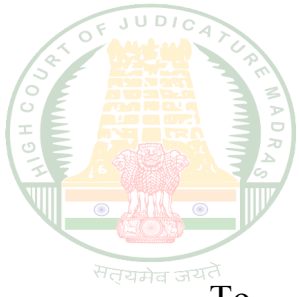
29.08.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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Crl.R.C.No.1805 of 2024

To
WEB COPY

1. The Chief Metropolitan Magistrate, Egmore Chennai.
2. The Inspector of Police,
Economic Offences Wing -II,
Ashok Nagar,
Chennai 600 083.
3. The Public Prosecutor,
High Court, Madras.



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Crl.R.C.No.1805 of 2024

G.K.ILANTHIRAIYAN. J.

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Crl.R.C.No.1805 of 2024

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