



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.R.C.No.2264 of 2025
and Crl.M.P.No.20693 of 2025**

Mr.Yogendra Chandak

...Petitioner

Versus

1.Mr.Kesan

Mr.K.R.Ashok (Deceased)

2.Mr.V.Natarajan

3.Mr.J.Prabhu

4.Mr.A.Shankar

5.Mr.R.Ramu

6.Mr.Murugesan

7.Mr.V.Rajendran

8.Mr.S.Siva

9.Mr.S.Chandrasekaran

10.Mr.K.Vetri Chelvan



Mr.P.Amulraj

11.Mr.V.Sekar

12.Mr.V.M.Sethu

13.Mr.Ashok Kumar

14.The State Rep. by the
Inspector of Police,
CBCID, Egmore,
Chennai.

...Respondents

This Criminal Revision Case is filed under Section 397 of Cr.P.C praying to call for the records relating to order dated 28.01.2025 in CrI.A.No.169 of 2022 on the file of the XVI Additional & District Sessions Court, Chennai confirming the order dated 09.02.2022 in C.C.No.4108 of 2013 on the file of the Chief Metropolitan Court, Egmore, Chennai and set aside the same.

For Petitioner	:	Mr.L.Palanimuthu
For Respondent – 14	:	Dr.C.E.Pratap, Government Advocate (CrI.Side)

ORDER

This Criminal Revision Case has been filed by the Petitioner seeking to set aside the order dated 28.01.2025 in CrI.A.No.169 of 2022 passed by the learned XVI Additional & District Sessions Judge, Chennai confirming the order dated 09.02.2022 in C.C.No.4108 of 2013 passed by the learned Chief Metropolitan Magistrate, Egmore, Chennai.



2. The brief facts of the case are as follows:

The Petitioner's father viz., Late.Giridhar Lal Chandak was occupying the property situated at New Door No.9, Anna Salai, Chennai – 600 002 (hereinafter referred to as “subject property”) as a tenant since 1957. The landlords of the said property are one S.Medi Ispahani, S.Ali Ispahani and S.Mohammed Ispahani. There was a dispute between the landlords and tenants and thus, several civil cases were pending between them. The landlords had filed a petition in R.C.O.P.No.311 of 2006 before the Small Causes Court, Chennai for eviction. On 26.02.2007, the Small Causes Court, Chennai had passed an eviction order in the said petition. Challenging the said order, an appeal in R.C.A.No.267 of 2007 was filed before the Small Causes Court, Chennai. The said R.C.A was adjourned to 05.06.2007 for further hearing. While so, on 27.04.2007, about 50 to 60 rowdy elements including the Respondents 1 to 13 armed with deadly weapons came to the premises of Petitioner's father and they ransacked the entire premises; threw all the articles therein on the road; decamped with valuables like iron safe, UTI bonds, fixed deposit receipts, some valuable coins, other valuable documents, all furniture and fixtures. The Respondents 1 to 13 had taken away some imported laptops and antiques available in the



said premises in lorries and they had kept the same in Nungambakkam where the landlords had a property named Tamil Nadu Real Estate. Hence, on the very same day, Petitioner's father had lodged a complaint to the Inspector of Police, D-1 Police Station, Triplicane, Chennai in this regard, but, no action was taken against the Respondents 1 to 13. Therefore, the Petitioner's father had filed a petition in CrI.O.P.No.29386 of 2007 before this Court praying to issue appropriate direction to the 14th Respondent Police to register a case against the Respondents 1 to 13. This Court vide Order dated 12.10.2007, disposed of the said petition by directing the 14th Respondent Police to register a case against the Respondents 1 to 13. Pursuant to the said order of this Court, 14th Respondent Police had registered a case in Crime No.03 of 2008 against the Respondents 1 to 13 under Section 379 of IPC on 30.07.2008. Thereafter, the 14th Respondent Police had conducted the investigation and filed the Charge Sheet against the Respondents 1 to 13. The Chief Metropolitan Magistrate Court, Egmore, Chennai had taken the said Charge Sheet on file in C.C.No.4108 of 2013.

3. Before the trial Court, on the side of prosecution, Petitioner examined himself as P.W.1 and 21 other witnesses were examined as P.W.2



to P.W.22; 15 documents were marked as Exs.P1 to P15 and 10 objects were marked as M.O.1 to M.O.10. On the side of the accused, no witnesses were examined; 9 documents were marked as exhibits, but, no material objects were marked.

4. On appreciation of the oral and documentary evidence produced before it, the Trial Court had passed the Judgment dated 09.02.2022 in C.C.No.4108 of 2013 by holding that no *prima facie* case has been made out against the accused and hence, Respondents 1 to 13 are acquitted under Section 248(1) of Cr.P.C. Aggrieved by the said judgment of the Trial Court, Petitioner has preferred a Criminal Appeal in C.A.No.169 of 2022 before the XVI Additional District and Sessions Court, Chennai. However, the 1st Appellate Court vide Judgment dated 28.01.2025, dismissed the said Criminal Appeal by confirming the judgment of the Trial Court. Hence, the Petitioner has filed the present Criminal Revision Case before this Court.

5. Heard the learned counsel for Petitioner and the learned Government Advocate (CrI.Side) appearing on behalf of 14th Respondent Police. There is no representation on behalf of Respondents 1 to 13.



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6. In the present case, Petitioner's father had occupied the subject property as a tenant and the landlords of the subject property did not follow the due process of law in evicting the Petitioner's father. Therefore, the Petitioner's father had lodged a police complaint against the Respondents 1 to 13, but, no action was taken against the Respondents 1 to 13. Therefore, the Petitioner's father had filed a petition before this Court praying to issue appropriate direction to the 14th Respondent Police to register a case against the Respondents 1 to 13. This Court had disposed of the said petition by directing the 14th Respondent Police to register a case against the Respondents 1 to 13, pursuant to which, 14th Respondent Police had registered a case in Crime No.03 of 2008 against the Respondents 1 to 13 under Section 379 of IPC on 30.07.2008. Thereafter, 14th Respondent Police had conducted the investigation and filed the Charge Sheet before the Chief Metropolitan Magistrate Court, Egmore, Chennai which was taken on file in C.C.No.4108 of 2013. The Trial Court vide Judgment dated 09.02.2022 in C.C.No.4108 of 2013 acquitted the Respondents 1 to 13 under Section 248(1) of Cr.P.C. Aggrieved by the judgment of Trial Court, Petitioner has preferred a Criminal Appeal before the XVI Additional District and Sessions



Court, Chennai. However, the 1st Appellate Court vide Judgment dated 28.01.2025, dismissed the said Criminal Appeal by holding that the prosecution has not succeeded in proving the offence of wrongful restraint and theft as charged against the Accused by adducing cogent and reliable evidence. Hence, this Criminal Revision Case.

7. As far as this case is concerned, the prosecution has not adduced any cogent and reliable evidence to prove that the alleged offence was committed by the Respondents 1 to 13. Therefore, the Trial Court had acquitted the Respondents 1 to 13 under Section 248(1) of Cr.P.C. The 1st Appellate Court has also confirmed the judgment of acquittal passed by the Trial Court.

8. As the prosecution not proved the case beyond reasonable doubt, I do not find any reason to interfere with the findings of the Courts below. Hence, this Criminal Revision Case is liable to be dismissed. Accordingly, the same is dismissed. Consequently, connected Miscellaneous Petition is closed.

06.11.2025

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Index: Yes/No
Speaking Order (or) Non-Speaking Order

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To

- 1.The XVI Additional & District Sessions Judge,
Chennai.
- 2.The Chief Metropolitan Magistrate,
Egmore, Chennai.
- 3.The Inspector of Police,
CBCID, Egmore,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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