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Crl.R.C.No.233 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : .05.02.2025

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THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.233 of 2025

and

Crl.M.P.Nos.1810 & 1819 of 2025

Ashok Chand Bansali

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CBCID, Tiruppur.

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 BNSS read with 442 of B.N.S.C./ 397 read with Section 401 of Criminal Procedure Code, to set aside the order dated 25.10.2024, passed in Crl.M.P.No.4733 of 2024 on the file of the learned Chief Judicial Magistrate, Tiruppur and discharge the petitioner in C.C.No.679 of 2023 in the interest of justice and equity.

For Petitioner : Mr.MA.Gouthaman

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

This Criminal Revision Petition has been filed to set aside the order dated 25.10.2024 passed in Crl.M.P.No.4733 of 2024 on the file of the learned Chief Judicial Magistrate, Tiruppur and discharge the petitioner from the case in C.C.No.679 of 2023.

2. The petitioner is arrayed as A2 in C.C.No.679 of 2023 on the file of the Chief Judicial Magistrate, Tiruppur. Pending CC, the petitioner has filed the discharge petition in Crl.M.P.No.4733 of 2024 under Section 239 Cr.P.C., before the learned Chief Judicial Magistrate, Tiruppur. The trial court dismissed the same vide impugned order dated 25.10.2024. Aggrieved over the same, this criminal revision case has been filed.

3. Learned counsel for the petitioner submitted that the petitioner has been arrayed as A2 and he has been falsely implicated in this case for the only reason that he is the brother of A1. The petitioner



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has not played any role in the alleged offence. The petitioner is only the subsequent purchaser. Along with petitioner, yet another person has also purchased the property and the said person has not been impleaded in this case. There are no *prima facie* materials available against the petitioner herein. The trial Court failed to consider the materials available on record and simply dismissed the petition, without assigning any reason. Hence, this petition.

4. The learned Additional Public Prosecutor appearing for the respondent-police submitted that the petitioner has been arrayed as A2 in C.C.No.679 of 2023 on the file of the Chief Judicial Magistrate, Tiruppur. The petitioner has conspired with other accused and created forged documents. He has also involved in the business transaction with other accused. He is not a stranger to the abovesaid case. The trial court rightly dismissed the discharge petition filed by the petitioner. There is no merit in the criminal revision case and the same is liable to be dismissed.



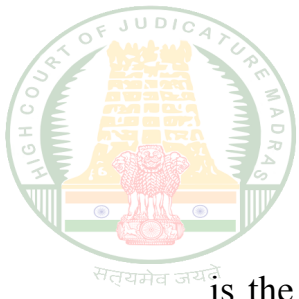
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5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent-Police and perused the materials available on record.

6. The respondent-Police registered a case in Crime No.3 of 2015 as against accused persons. The petitioner has been arrayed as A2. The respondent-Police, after completing the investigation, laid a charge sheet and the same was taken on file in C.C.No.679 of 2023 on the file of the Chief Judicial Magistrate Court, Tiruppur. Pending CC, the petitioner who has been arrayed as A2, filed the petition under Section 239 Cr.P.C in Crl.M.P.No.4733 of 2024 for discharging him from the charges levelled against him. The same was dismissed vide order dated 25.10.2024 by the trial court and aggrieved over the same, the petitioner has filed this Criminal Revision Case.

7. On a reading of F.I.R and charge sheet, it is seen that there are prima facie materials available against the petitioner. The petitioner



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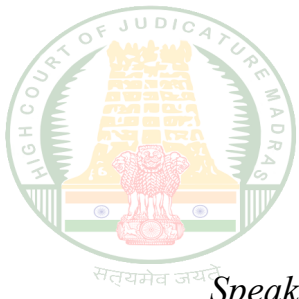
is the brother of A1. On a reading of F.I.R and charge sheet, there are *prima facie* allegations and enough materials available to show that the petitioner has also entered into conspiracy with other accused and created forged document. The petitioner is the purchaser of the property. While disposing the discharge petition, the Court has to see the materials placed by the prosecution and not the defence taken by the petitioner/accused. Whether the petitioner, who is brother of A1, is only a subsequent purchaser and whether the petitioner has also actively participated in the conspiracy or not, can be decided only during trial and not at this stage.

8.Under the above facts and circumstances, this Court does not find any merit in this petition. Hence, this Criminal Revision Case is dismissed at this stage. Consequently, connected miscellaneous petitions are closed. The petitioner is at liberty to take all his defence before the trial court.

05.02.2025

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Index: Yes/No



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Speaking Order: Yes/No
Neutral Citation: Yes/No

To

1. The Chief Judicial Magistrate, Tiruppur.
2. The Inspector of Police,
CBCID, Tiruppur.
3. The Public Prosecutor
High Court, Chennai.



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P.VELMURUGAN, J.

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