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Crl.R.C.No.28 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.28 of 2025

and

Crl.M.P.No.194 of 2025

G.Billy Graham

... Petitioner/De-facto complainant

Vs.

State by

The Inspector of Police,

Central Crime Branch,

EDF-I, Team-2, Vepery, Chennai.

(Crime No.230 of 2022).

...Respondent

PRAYER: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to set aside the order passed in Crl.M.P.No.25570 of 2024 dated 11.11.2024 in C.C.No.280 of 2024 on the file of the learned Metropolitan Magistrate, For Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro cases, Egmore, Chennai.

For Petitioner : Mr.A.Natarajan, Senior Counsel
for Ms.A.Madhumathi

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)



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ORDER

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The revision challenges the dismissal of the application filed by the petitioner, who is the de-facto complainant, under Sections 173(8) r/w 319 of Cr.P.C. seeking to include the 5 accused, who were named in the F.I.R. and deleted in the final report.

2.The de-facto complainant had lodged a complaint before the respondent police stating that he was forced by the Directors and Promoters of first accused company to give collateral security of his immovable house property worth about Rs.4 Crores for obtaining loan of Rs.1 Crore and that the Promoters and Directors had in collusion with the bank officials discharged the other properties and allowed the property belonging to the petitioner to be attached under the SARFAESI Act and hence were liable for offences under Sections 406, 420 and 34 of I.P.C. Totally 16 accused were named in the F.I.R. After investigation, the first respondent deleted the names of A6-Ravishankar, A9-Sharma, A12-Seetharaman, A13-Bhuvaneswari and



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A15-Bhargavi stating that they were also investors in the first accused company and they had no role in the alleged offences.

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3.Mr.A.Natarajan, learned Senior Counsel for the petitioner would submit that no notice was given to the petitioner while deleting the names of the above persons in the final report and that the learned Magistrate also while taking cognizance had not issued any notice to the petitioner.

4.The learned Government Advocate (Crl. Side) was unable to justify the action of the respondent in not issuing notice to the petitioner. However, the learned Government Advocate would submit that the investigation reveals that the above named accused were not involved in the offences as they were also victims, and hence were rightly deleted by the respondent and added as witnesses.

5.This Court finds that there is a procedural lapse both on the part of the respondent as well as the learned Magistrate in not issuing notice while



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deleting the names of the above accused. However, the final report reveals that the respondent had given reasons for concluding that the above named accused were not involved in the alleged offences. Therefore, this Court is not inclined to interfere with the order passed by the learned Magistrate. However, during the course of trial, if the involvement of the above named accused is revealed, it is open to the petitioner to move the learned Magistrate for summoning the above named accused under Section 319 of Cr.P.C.

6. With the above liberty, the revision stands dismissed.

Consequently, the connected Criminal Miscellaneous Petition is closed.

09.01.2025

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: 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,
Egmore, Chennai.
 - 2.The Inspector of Police,
Central Crime Branch,
EDF-I, Team-2,
Vepery, Chennai.
 - 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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