



Crl.R.C.No.2378 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.02.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.2378 of 2024
and
Crl.M.P.No.18309 of 2024

Raja Chidambaram

.. Petitioner

Vs.

1. The State Rep. by
The Inspector of Police,
Central Crime Branch, EDF-1, Team-1,
Vepery,
Chennai-600 007.

2. S.R.M.S.Narayana Chettiyar

.. Respondents

Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. and Section 438 and 442 of the BNSS, to call for the records and set aside the order passed by the Metropolitan Magistrate for Exclusive Trial of CCB Cases, Egmore, Chennai in Crl.M.P.No.61202 of 2024 and discharge the petitioner/A2 from the above C.C.No.9619 of 2021.

For petitioner : M/s.S.Namasivayam

For respondents : Mr.S.Sugendran, Addl.P.P. for R-1
Mr.E.Hariharan for R-2



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ORDER

The petitioner has filed the present revision petition challenging the order dated 04.12.2024 passed by the learned Metropolitan Magistrate for Exclusive Trial of CCB cases, Egmore, Chennai.

2. The petitioner is arrayed as A.2 in C.C.No.9619 of 2021. Pending the said C.C., the petitioner has filed a petition before the Court below for his discharge invoking Section 239 Cr.P.C. in CrI.M.P.No.61202 of 2024.

3. The Court below, after considering the materials, found that prima-facie materials are available as against the petitioner/A2 also to proceed with the case further. Observing so, the petition was dismissed by the learned Magistrate.

4. Learned counsel for the petitioner/A2 sought to adjourn this revision petition, but this Court is not inclined to adjourn the matter, since the petitioner is the Branch Manager of the Lakshmi Vilas Bank, Adyar Branch, Chennai. The allegation against the petitioner is with regard to misappropriation of the public money. The said C.C. is pending from 2021. After three years, the petitioner had invoked Section 239 Cr.P.C. and filed the petition for discharge, which was

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dismissed by the trial Court.

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5. Heard and perused the materials available on record.

6. According to the prosecution, A.1 is also one of the Branch Manager of the said Bank. The confession statement of A.1 clearly shows involvement of the petitioner and also the prime witness had also spoken about the misappropriation of the funds made through public money by the petitioner/A2, and therefore, on a reading of the materials available on record, including the complaint, charge-sheet and also the statement of the witness(es) and also the confession statement of the co-accused. Even though, based on the mere confession statement of the accused, no person can be implicated, however, if the confession statement is corroborated by the statement of the other witness, a person can be implicated and that can be decided only after trial.

7. It is settled proposition of law that at the time of deciding the petition for discharge under Section 239 Cr.P.C., the Court has to see only the materials placed by the investigating agency and the defence of the accused cannot be considered at this stage.

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8. This Court cannot conduct roving enquiry regarding the validity of the materials at this stage. However, it is for the prosecution to establish the case by producing the material evidence by substantiating the materials/evidence produced by the prosecution. That can be done only during the trial and not at this stage.

9. Therefore, considering the materials placed by the prosecution, it is clear that there are prima-facie materials available against the petitioner/A2 to proceed further.

10. Hence, this Court finds that there is no merit in the present revision petition, which is accordingly dismissed. However, the petitioner/A2 is at liberty to take all his defences during the trial before the trial Court.

11. Consequently, Crl.M.P.No.18309 of 2024 is closed.

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To

1. Metropolitan Magistrate for Exclusive Trial of CCB Cases, Egmore, Chennai.
2. The Inspector of Police, Central Crime Branch,
EDF-1, Team-1, Vepery, Chennai-600 007.
3. The Public Prosecutor, High Court, Madras.



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P.VELMURUGAN, J

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