

CrL.R.C.(MD)No.292 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.292 of 2025

Sanjeev Suri

... Petitioner

-VS-

State rep by
The Additional Superintendent of Police,
Idol Wing -CID,
Guindy, Chennai- 600 032.

... Respondent

PRAYER : Criminal Revision Case filed under 438 & 442 of BNSS, 2023, Corresponding Sections 397 & 401 of Cr.P.C., to call for the records and set aside the order passed in the discharge petition in CrL.M.P.No.1345 of 2024 (E.CrL.M.P.No.473/2024) in C.C.No.17 of 2021, dated 17.12.2024, passed by the learned Additional Chief Judicial Magistrate/Special Court for Idol Theft Cases, Kumbakonam.

For Petitioner : Mr.S.S.Kumar

For Respondent : Mr.S.Ravi, Additional Public Prosecutor

ORDER

This Criminal Revision Case is filed, challenging the order passed in CrL.M.P.No.1345 of 2024 (E.CrL.M.P.No.473/2024) in C.C.No.17 of 2021, dated 17.12.2024, on the file of the learned Additional Chief Judicial Magistrate/Special Court for Idol Theft Cases, Kumbakonam.

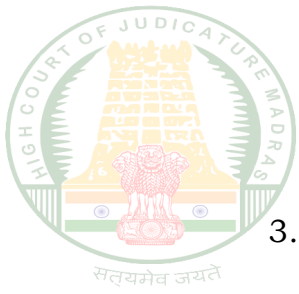
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2.The petitioner, who is arrayed as the 10th accused in the case, sought to be discharged from the charges levelled against him in the police report filed under Section 173(2) of Code of Criminal Procedure, 1973 (prior to its repeal by BNSS), for offences under Sections 457(2), 380(2), 465, 468, 471, 411(2), 406, 409 r/w. 120(b) of the Indian Penal Code and Section 25(1) of the Antiquities and Art Treasures Act, 1972. The case pertains to the theft of antique stone idols including Arthanareeswarar and Prathyangira Devi from the Virudhagiriswarar Temple, Virudhachalam, in the year 2002. The complaint was initially registered as Crime No.603 of 2013 at Virudhachalam Police Station and was later transferred to the Idol Wing CID. During the investigation, Crime Nos.65 of 2008 and 133 of 2008 were also clubbed into the case. A unified police report was filed pursuant to merger under Section 223(a) Cr.P.C.

3.The case of the prosecution, as detailed in the final report, reveals that the stolen idols were illegally exported out of India using forged documents by a group of conspirators. The first accused, Subhash Chandra Kapur, was identified as the mastermind. The idols were subsequently exported to museums in Australia. The petitioner, a partner in M/s.Suri Sons, was implicated for having facilitated the illegal export by allowing his firm to be used in the export documentation process.



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3.It is the petitioner's case that he has been wrongly implicated, without any direct evidence linking him to the criminal conspiracy. He contended that the final report does not allege any specific role of forgery or conspiracy against him and that he neither participated in the creation of forged documents nor handled the day-to-day operations of M/s.Suri Sons. He also pointed out inconsistencies in the respondent's reply, specifically in relation to shipping bill numbers and documentary evidence.

4.The learned Additional Public Prosecutor appearing for the respondent opposing the petition, submitted that the petitioner's firm M/s.Suri Sons, was used as the channel to export the stolen idols under fabricated documents and that there are specific allegations in the final report linking the petitioner to the offences under Sections 468 r/w 465 and 471 of IPC. It was further submitted that use of the petitioner's firm in the chain of events leading to the illegal export of the idols was not incidental, but an act of deliberate facilitation of the conspiracy.

5.Upon hearing both sides and perusing the materials on record, this Court is of the view that the dismissal of the discharge petition by the learned Trial Court does not suffer from any legal infirmity for the following reasons:-

(i)The threshold for discharge under Section 262 BNSS (corresponding to Section 239 of Cr.P.C.) is whether the accusations are



groundless. At this stage, the Court is not expected to meticulously examine the probative value of the evidence, but to determine if there is a *prima facie* case warranting a full-fledged trial.

(ii)The petitioner is not merely a passive partner in M/s.Suri Sons, but is alleged to have facilitated the shipment of the idols using forged documentation. Whether or not he directly participated in the forgery is a matter to be established during trial. The use of the firm's name and export channel is not denied. The documentary evidence, including the Bill of Lading and shipping bills, naming M/s.Suri Sons, *prima facie* suggest a role in the export of stolen idols.

(iii)The final report specifically refers to the export having been routed "through M/s.Suri Sons, represented by A10," and while it does not categorically state that the 10th accused authored the forged documents, it attributes to him a role in facilitating the illegal export, thereby implicating him under Section 471 of IPC for using forged documents as genuine.

(iv)The contention that there is no charge under Section 120(b) of IPC against the petitioner is misplaced. A reading of the charge allocation table in the final report shows that while the primary conspiracy charges are against A1 to A9, the petitioner is specifically charged under Sections 468 r/w 465 and 471 of IPC, and his role is described under the caption "illegal



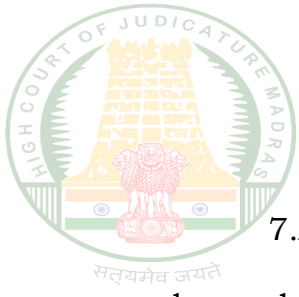
exports.”

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(v)The law is well-settled that even if there is no direct evidence of forgery, a person can still be held liable for using forged documents with knowledge of their falsity. The allegations against the petitioner fall within this framework and the question of whether he acted with the requisite *mens rea* can only be determined after trial.

(vi)The arguments advanced by the petitioner relate to disputed facts, including the authenticity of documents, his exact role in the firm, and whether he acted knowingly or negligently. These are issues which cannot be adjudicated upon at the stage of discharge.

6.Therefore, this Court finds that the learned Trial Court was justified in dismissing the petitioner’s discharge petition. The petitioner’s attempt to dissect the prosecution case and assert lack of direct evidence is premature. Whether the petitioner had the requisite knowledge and intent, and whether his firm’s involvement was innocent or complicit, are matters best left to be decided after full trial.



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7. Accordingly, this Criminal Revision Case stands dismissed. The learned Trial Court is directed to proceed with the trial in accordance with law, uninfluenced by any of the observations made in this order. No Costs.

22.07.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes
Mrn

To

- 1.The Additional Chief Judicial Magistrate/Special Court for Idol Theft case, Kumbakonam.
- 2.The Additional Superintendent of Police, Idol Wing -CID, Guindy, Chennai- 600 032.
- 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

Mrn

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