



WEB COPY

CRL RC No. 79 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 79 of 2026

and

CRL MP NO. 503 OF 2026, CRL MP NO. 504 OF 2026

Kamar Ali
S/o S.Abdul Rahman,
No.2/199, Kadaiveethi Street,
Rajakambiram,
Manamadurai,
Sivagangai - 630 609.

..Petitioner(s)

Vs

1. State by, The Inspector of Police,
CBCID, Cyber Crime Cell,
Egmore, Chennai – 8.
2. K.N.Deenadayalan
Chief Executive Officer,
M/s. Sri Kaliswari Metal Powders Pvt.Ltd.,
No.32, Duraisamy Road, 1st Floor,
T.Nagar, Chennai - 600 017.

..Respondent(s)

Criminal Revision Case filed under Sections 438 and 442 of BNSS,
praying to call for records and set aside the order passed by the learned XI
Metropolitan Magistrate, Saidapet, Chennai, in Crl.M.P.No.6 of 2025 dated
04.12.2025 in C.C.No.1647 of 2019.

For Petitioner(s): Mr.A.Nagarajan

For Respondent(s): Mr.R.Vinoth Raja,
Government Advocate (Crl.Side)



through LW15; and thus, the petitioner had the common intention to commit the offence of cheating.

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4. The petitioner sought discharge before the Trial Court, stating that the petitioner's account was not used for any alleged fraud committed by the accused; that the case of the prosecution that he had provided the account number of A4 in whose account the amount of Rs.20 lakhs was credited, who in turn handed over a portion of the amount to A5, is sought to be proved by the prosecution only through the confession of the petitioner and the statement of LW15 [A.Mohammed Malik], a relative of the petitioner; and that even if the statement of LW15 is accepted to be true, the above facts would not be established.

5. The learned Magistrate dismissed the said petition on the ground that the truth or otherwise in the allegations against the petitioner cannot be gone into at the stage of charge framing and that it is for the petitioner to establish his defence during the course of the trial.

6. The learned counsel for the petitioner reiterated the aforesaid submissions made before the Trial Court and submitted that LW15's statement,



at best, suggests that at the instance of the petitioner he went to a person and collected some cash, retained Rs.30,000/- from the said cash and handed over the remaining cash to some other person; that LW15's statement does not prove any of the allegations made by the prosecution; that the prosecution seeks to connect the above statement and the confession of the petitioner to prosecute the petitioner; and that there is no prima facie material to proceed against the petitioner.

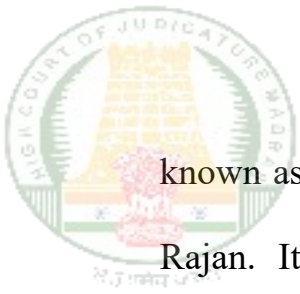
7. The learned counsel for the de facto complainant would submit that the sufficiency of evidence cannot be gone into at this stage and that it is for the prosecution to establish their case before the Trial Court; and that the fact that no test identification parade was conducted for LW15 to identify the accused would not be a ground to discharge the petitioner and prayed for dismissal.

8. The learned Government Advocate (Crl. Side) for the first respondent reiterated the abovesaid submissions of the learned counsel for the de facto complainant and submitted that the allegations have to be proved in trial and that the prosecution cannot be scuttled at this stage and ought to be permitted to prove their case before the Trial Court.



9. It is no doubt true that the offences alleged in the charge sheet are serious in nature. Though a serious crime is alleged, this Court has to examine whether the petitioner is involved and there is sufficient material to proceed against the petitioner. It is not in dispute that a sum of Rs.20,00,000/- was transferred to the account of A4. The materials relied upon by the prosecution to substantiate their case that a portion of the amount transferred to A4's account was handed over to A5, who in turn handed over Rs.15,60,000/- to the petitioner through LW15 and the petitioner, after retaining Rs.30,000/- has handed over the said cash to one Rajan through LW15, are the confession of the petitioner and the statement of the said LW15.

10. LW15, who happens to be a relative of the petitioner, does not state, as to from whom he received the said cash or the amount of cash that he received. He only states that he retained Rs.30,000/- and handed over the remaining cash at the instance of the petitioner to a third person. The alleged occurrence is said to have taken place in the year 2012. It is not the version of LW15 that he either knew A5 or the said Rajan. No test identification parade has been conducted during the investigation. He also in his statement does not state as to how much money he received. His statement is of no avail to the prosecution in proving their case against the petitioner. In fact, the prosecution had not made the said Rajan as an accused. In such circumstances, it is not



known as to how the prosecution has established that the cash was paid to said Rajan. It is also seen from the statement of LW15 that he had not handed over the cash to the petitioner, which is the prosecution case. Apart from the above statement, the prosecution relies on the confession of the accused.

11. Though the prosecution case is that the petitioner, along with the other accused, had spoken to each other at the time of the occurrence and the emails were exchanged between them, it is seen from the final report that no such evidence has been produced. The counter filed by the prosecution before the trial Court also does not refer to any such evidence to prove the link. In fact, the counter admits that the ultimate beneficiary is one Shahul Hameed and he has not been apprehended. As stated above, the case is of the year 2012. Hence, this Court is of the view that the petitioner cannot be prosecuted on the basis of such slender evidence. It is needless to state that charges can be framed only if there is prima facie material and sufficient grounds for proceeding against the petitioner.

12. Therefore, this Court is inclined to discharge the petitioner. However, if the prosecution is able to adduce any acceptable evidence during the course of the trial that the amount credited to the account of A4 was withdrawn by A4 and handed over to A5 at the instance of the petitioner and that the petitioner is also



involved in the alleged crime, they are at liberty to invoke Section 319 Cr.P.C. to proceed against the petitioner.

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13. With the above observations and liberty, this petition is disposed of.

Consequently, connected miscellaneous petitions are closed.

23-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
cda

To

1. The XI Metropolitan Magistrate, Saidapet, Chennai.
2. The Inspector of Police,
CBCID, Cyber Crime Cell,
Egmore, Chennai – 8.
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN J.

cda/ars

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