

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2015

Coram

THE HONOURABLE MR.JUSTICE B. RAJENDRAN

Crl.Revision Case No.432 of 2010

R.Jothi

.. Petitioner

vs

1. The Inspector of Police
B-3, Pallavaram Police Station
Kancheepuram District.

2. Murugan

3. Saroja

4. Annadhanam (deceased) ... Respondents/Complainant/
Accused NO.1-3]

Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. as against the order dated 11.02.2010 passed by the learned Judicial Magistrate, Tambaram in C.C.No.1038 of 2004.

For Petitioner : No Appearance

For Respondents : No Appearance

ORDER

Though the case has been listed under the caption "old year cases", when the matter is taken up today, there is no representation on either side and on a perusal of the docket sheet, it is seen that after the date of admission, it has not been listed for the past five years and the same is kept pending. Even today, there is no representation for the petitioner and the respondents. Hence, the Criminal Revision Case is taken up for disposal on merits as per the judgment of the Hon'ble Supreme Court reported in (2013) 3 SCC 721 [K.S.Panduranga vs. State of Karnataka].

2. This revision is filed by the complainant as against the acquittal order passed by the Court below in C.C.No.1038 of 2004 dated 11.02.2010 acquitting the accused under Sections 420, 409, 467 and 471 of IPC.

3. The brief facts of the case is as follows:

According to the petitioner/complainant, the accused Nos.1 to 3 were working in the postal Department and she has given her post office book to A1 and he used to help her by drawing money at the time of need. According to her, she has handed over three pass books with a balance amount of Rs.1,20,000/-. However, when she requested A1 to return the pass books for withdrawing money; he has informed that there is no money in the account and the pass books also are not

available with him. According to the petitioner, the accused persons 1 to 3 joined together and cheated the petitioner/complainant to the tune of Rs.1,20,000/-. Hence the complaint.

4. Heard the learned Government Advocate (Criminal side) appearing on behalf of the first respondent police.

5. Perused the records.

6. On a perusal of the order passed by the Court below, it is seen that A3 died during the pendency of the trial and the case registered against him got abated. On the side of the prosecution, nine witnesses have been examined. PW1, the complainant would state that she used to request A1 to withdraw money for her from the post office savings bank account whenever she is in need of money. However, during 2001, when she again requested her, he has cheated her by saying that he is not having any pass book. PW3 would state that he put his signature based on the request made by the enquiring police officer; however, he states he does not know for what purpose the said signature was obtained; PW8 would state that the sample signature is marked as "S" series; whereas the disputed signatures are marked as A and B series and only one signature in A series tallies with the disputed signature and no other signatures tally with the same. However, on the prosecution side no effort was made to get a statement from PW8 to prove that the accused had committed the mistake. Further the Court below has also stated that the evidence of P.W.2, P.W.4 and P.W.5 does not strongly support the case of the prosecution. The Court below has also stated that in the complaint, it is stated that the accused persons have cheated the complainant to the tune of Rs.1,20,000/-, whereas in the charge sheet it has been mentioned that they have cheated to the tune of Rs.67,000/-. In such circumstances, the Court below has held that there are several discrepancies in the evidence given by the witnesses pertaining to this case. Therefore, acquitted all the accused persons.

7. In view of the above, I do not find any reason to interfere with the reasoned order passed by the Court below in acquitting the accused persons. Accordingly, this Criminal Revision case is dismissed.

Vj2

WEB COPY

Sd/-

Assistant Registrar (CS-VII)

/True Copy/

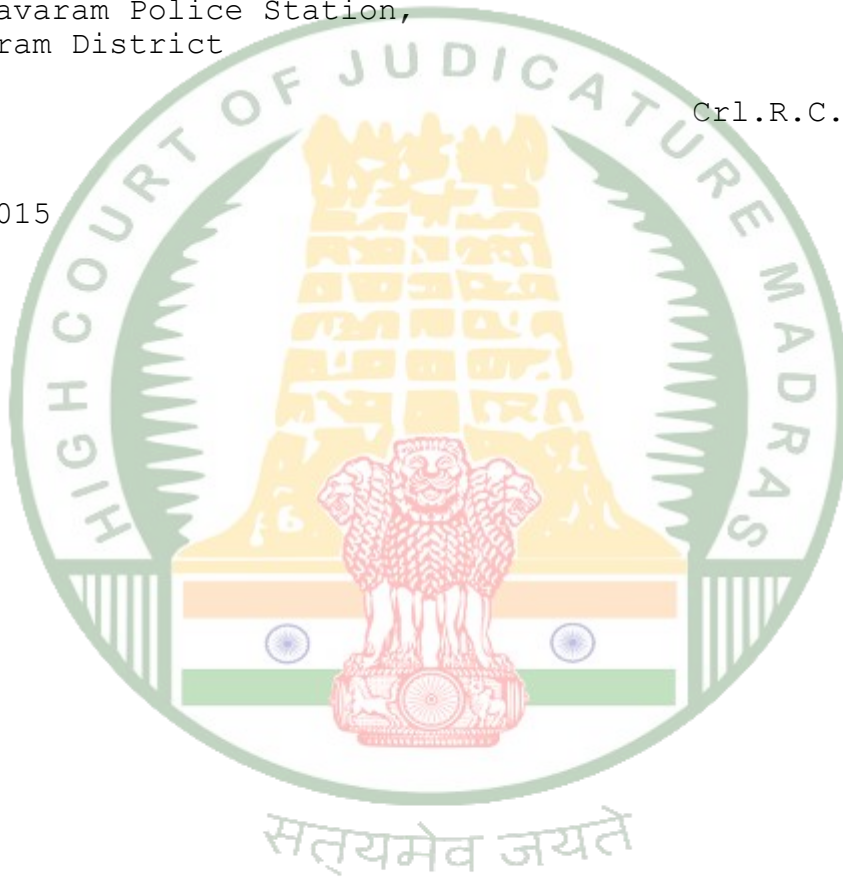
Sub-Assistant Registrar

To

1. The Judicial Magistrate,
Tambaram
2. The Chief Judicial Magistrate,
Chengalpattu
3. The Public Prosecutor,
High Court, Madras
4. The Inspector of Police,
B-3, Pallavaram Police Station,
Kancheepuram District

Cr1.R.C.No.432 of 2010

SKV(CO)
sd : 25/11/2015



WEB COPY