

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.11.2015

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.1456 of 2013

Gulf Oil (I) Ltd., by Regional Manager
Southern Region and authorized
Representative R.Balakrishnan

.. Petitioner

vs.

1.S.Kathiresan
2.The Inspector
City Crime Branch
Coimbatore
(Cr.No.25 / 03)

.. Respondents

Criminal Revision filed under section 397 and 401 Cr.P.C.to
set aside passed by the Judicial Magistrate II, Coimbatore dated
19.06.2007 made in C.C.No.225 of 2005.

For Petitioner : Mr.R.Loganathan

For Respondents: Mr.K.Rajasekaran for R1
Mr.C.Iyyapparaj
Govt. Advocate (Crl.side) for R2

O R D E R

This revision arises against the judgment of acquittal
rendered by learned Judicial Magistrate II, Coimbatore, passed
in C.C.No.225 of 2005 on 19.06.2007.

2. The defacto complaint was a manufacturer and seller of
petroleum products and the first respondent was a distributor
thereof. The allegation against the first respondent was that
he has misappropriated moneys belonging to the complainant
company. On the complaint of the petitioner/complainant, a case
in Crime No.25 of 2003 on the file of second respondent was
registered. Upon completion of investigation, a charge sheet was
filed and the case was tried in C.C.No.225 of 2005 on the file
of Judicial Magistrate II, Coimbatore for offence under Section
409 IPC (2 counts).

3. The prosecution examined 15 witnesses and marked 51
exhibits. On the side of the defence, first respondent was
examined and 11 exhibits were marked. On appreciation of

materials before it, the Court below under Judgment dated 19.06.2007, rendered a finding of acquittal. Challenging the same, the present revision has been filed.

4. Heard learned counsel for petitioner, learned counsel for first respondent and learned Government Advocate (Crl.side) for second respondent.

5. In rendering a finding of acquittal, amidst several reasons, the Court below has observed that the petitioner/complainant had dealt through several dealers and therefore, it was the duty of the petitioner/complainant to inform the particulars of the transactions with the respondent and produce records there regards. The petitioner had failed to do so. PW1 had deposed to first respondent/accused admitting to being due in a sum of Rs.8,51,644.50 through a written communication. Such communication had not been marked. The first respondent had been a dealer between 21.07.1993 and 01.05.1995. The complaint had been preferred as late as on 09.07.2003. Finding no material to support the contention raised by the petitioner/complainant against the first respondent, the Court below has rendered a finding of acquittal. This Court do not find any error in the judgment under challenge.

6. The Criminal Revision Petition is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate II,
Coimbatore

2.The Inspector
City Crime Branch
Coimbatore

3.The Public Prosecutor,
High Court, Madras.

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