



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.02.2015
CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

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Cr1.O.P.(MD)No.304 of 2015
and
M.P.(MD).No.1 of 2015

Ravichandran ... Petitioner/Accused No.2

Vs.

1. State represented by the
Inspector of Police, District Crime Branch,
Sivagangai District.
(Crime No.58 of 2014)

2. Mohammed Umar,
Assistant Director (Panchayats),
Sivagangai.

... Respondents/complainant and Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records relating to the first information report in Crime No.58 of 2014 on the file of the first respondent and quash the same with regard to the petitioner.

For Petitioner : Mr.S.Doraisamy
For R1 & R2 : Mrs.S.Prabha
Govt. Advocate (Cr1.side)

O R D E R

This Criminal Original Petition is filed to quash the F.I.R. in Crime No.58 of 2014 on the file of the first respondent.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1.side).

3. Referring to provisions of the Panchayat Act which informs of procedure to be followed in respect of violations thereof, learned counsel seeks to impress upon us that the case in Crime No.58 of 2014 ought not to be investigated into. He would also inform that in similar circumstances, this Court has ordered stay of investigation.

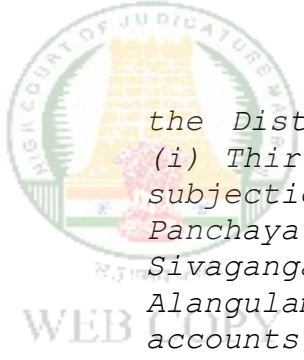
4. Paragraphs 3 and 4 of the counter affidavit of the second respondent informs thus:

"3. It is respectfully submitted that insofar Sivagangai District is concerned, there are 445 village panchayats, a creation of Constitution to strengthen the democratic institutions at the grass root level and that they are functioning under the



overall control of the District Collector and Inspector of Panchayats and this the second respondent/defacto complainant being the supervisory authority. It is the duty of this respondent to release the grants provided by the Government of Tamil Nadu to various village Panchayats in the District through ECS to the authorized account of the respective Village Panchayat under Account No.1 and 2 of the respective Village Panchayats. To our shock and dismay, it was found out that there were short falls in the funds allotted to some of the Village Panchayats and on the instruction of the District Collector, details from the banks were obtained and also formed a special audit party. The special audit party on comparing the statements available in the Office with the statements received from the Nodal Bank found out the annexure set out along with the covering letter for the purpose of disturbing the grant through ECS to the authorized bank accounts being maintained by each Village Panchayat. It was found that in addition to the banks authorised by the Department, three more accounts were opened at the instance of the Alangulam village Panchayat vide i) Indian Bank, Sivagangai A/c.No.6117597829; (ii) 'Pandian Gramma Vangie' A/c No.515001000007821; and (iii) Union Bank of India, Sivagangai A/c No.555602010003568 and the amount intended the grants provided by the Alangulam Village Panchayat were siphoned off to the above said accounts viz., Rs.13,22,905/- Rs.19,51,420/- and Rs.3,05,000/- by a diabolic scheming orchestrated with the assistance of one Arockiasamy, the dealing Assistant who contrived to remove the original annexure and inserted bogus, fabricated and forged annexure thereby such huge transactions were made. The District Collector on coming across the massive cheating with clever and unprecedented manipulation and misappropriation of Government money to the tune of Rs.35,79,325/- appointed a special audit party consisting of Tmt. Indurani, the Personal Assistant (Accounts) to the Collector, Thiru Muniasamy, Assistant Project officer (Accounts) District Rural Development Agency; Thiru Gopal, Accounts Officer, Watershed Management programme, Sivagangai and Thiru Ganesan, Assistant Accounts officers, Noon meal Branch who on conducting a in-depth audit found out that the Government money amounting to a sum of Rs.35,79,325/- were misappropriated by opening unauthorized bank accounts in the name of the President, Alangulam Village Panchayat, the petitioner herein, cleverly forging the annexure by including the above said banks for purpose of depositing the grant received from the Government and releasing to fund to several unauthorized persons including the family members of the President herein.

4. It is respectfully submitted that on the instruction of the District Collector, a criminal complaint was lodged with the first respondent police. The first respondent, the police Department after conducting preliminary enquiry and on finding out the complaint disclosing prima facie cognizable case of criminal breach of trust, making false and concocted documents with an intention to defraud and cheating in furtherance of criminal conspiracy to misappropriate the Panchayat funds, the complaint was reduced into First Information Report in Crime No.58 of 2014 under Sections 409, 464, 487, 420 and 120(b) I.P.C. on the file of



the District Crime Branch, Sivagangai on 10.12.2014 by arraying (i) Thiru Arockiasamy, formerly Assistant who was dealing with the subjection of allocation of funds and grants to various Village Panchayats in the Office of the Assistant Director of Panchayats, Sivagangai; (ii) Thiru Ravichandran, Village Panchayat President, Alangulam Village Panchayat, in whose name the unauthorized bank accounts were opened (iii) Tmt. Sudha, Vice President, Alangulam Village Panchayat who were the authorized signatories of the cheque; and others. Immediate investigation was taken up and witnesses were so far examined. The case is under investigation."

5. The counter informs a *prima facie* case of cognizable offences.

6. This Criminal Original Petition shall stand dismissed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

\\True copy\\

Sub Assistant Registrar

To

1. The Inspector of Police, District Crime Branch, Sivagangai District.
2. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC TO M/S.V.KANNAN, ADVOCATE SR.NO.5506

Crl.O.P.(MD)No.304 of 2015
05.02.2015

AKV

NA/02/03/2015/P3/4C