

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 05.01.2016

CORAM

THE HON'BLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.1354 of 2015

M.P.No.1 of 2015

Samy Asari @ Suresh ... Petitioner/3rd Accused

vs.

State rep. By
Inspector of Police
Commercial Crime Investigation Wing
Dharmapuri
Crime No.1 of 2014 ... Respondent/Complainant

Criminal Revision filed u/s.397 & 401 Cr.P.C. to set aside the order dated 19.10.2015 made in C.M.P.No.5367 of 2015 in C.C.No.77 of 2015 on the file of the Judicial Magistrate, Harur.

For Petitioners: Mr.C.Munusamy

For Respondent : Mr.C.Iyyapparaj
Government Advocate (Crl.side)

O R D E R

The petitioner has filed the present revision against the judgment of the learned Judicial Magistrate, Harur dated 19.10.2015 in C.M.P.No.5367 of 2015 in C.C.No.77 of 2015.

2. The case of the prosecution was that petitioner/A3, who was working in the Ponneri Primary Agricultural Co-Operative Society, alongwith A1 and A2, prepared forged documents, placed duplicate jewels in place of gold jewels pledged by customers misappropriated the same and thereby caused loss to the Ponneri Primary Agricultural Co-Operative Society.

3. Heard learned counsel for petitioner and learned Government Advocate (Crl.side).

4.The petitioner sought discharge in C.M.P.No.5367 of 2015. In dismissing such petition, the Court below took into consideration the position that the final report informed of A1 and A2 having misappropriated monies, of their being jointly responsible for maintaining registers of the Society and

repelled the contention of the petitioner that as an appraiser working under them and maintaining records under their directions, he could not be held liable. It also rejected the contention that as the accused 1 and 2 had admitted guilt, repaid the entire monies and their claim for release on probation had been accepted, petitioner should be discharged. It held that the appreciation of evidence and materials gathered by the investigating officer would have to be done in the course of trial.

5. This Court finds no error in the order under challenge. The Criminal Revision is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Harur.

2.-Do- Thro' The Chief Judicial Magistrate,
Dharmapuri.

3.The Inspector of Police,
Commercial Crime Investigation Wing,
Dharmapuri.

4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.C.Munusamy, Advocate Sr.519

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skv (CO)
srg (05/04/2016)