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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.06.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.No.54 of 2015

State represented by
The Inspector of Police
CCIW. CID
Coimbatore City Unit
(Cr.No.2 of 2003)

.. Petitioner

Vs.

A.R.Balakrishnan

.. Respondent

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 22.10.2013 made in CRP.No.16 of 2013 on the file of the V Additional District and Sessions Judge, Coimbatore and to confirm the order dated 15.09.2012 made in CMP.No.36 of 2006 in CC.No.19 of 2005 on the file of the Judicial Magistrate NO.4 Coimbatore.

For Petitioner : Mr.V.Arul, GA (Crl.side)

For Respondent : Mr.K.Doraisami, SC
Mr.Muthumani Doraisami.

ORDER

The criminal revision petition is directed against the order passed by the learned V Additional District and Sessions Judge, Coimbatore made in CRP.No.16 of 2013 dated 07.01.2016 rejecting the order passed by the learned Judicial Magistrate Court No.4, Coimbatore made in CMP.No.36 of 2006 in CC.No.19 of 2005 dated 15.09.2012.

2.Heard the learned Government Advocate (Crl.side) representing the petitioner and the learned counsel appearing for the respondent.

3.It is admitted by both sides that CC.No.19 of 2005 was pending before the learned Judicial Magistrate No.IV, Coimbatore against the accused A1 to A6 for the offences under Sections 120 (b), 409, 409 r/w.109 of IPC. During pendency of trial, the accused 5 and 6 filed separate petition before the trial Court



to discharge them from the case. A6 filed CMP.No.83 of 2006 to discharge him from the charges, the same was allowed by the trial Court on 16.12.2008 and A5 filed CMP.No.1428 of 2008 to discharge him from the charges, the same was also allowed by the trial Court on 29.12.2008. The respondent/police filed CRP.Nos.13 and 14 of 2009 against the order passed by the trial Court discharging the accused 5 and 6, the same was dismissed by the learned Additional District and Sessions Judge, Fast Track Court No.III, Coimbatore on 20.05.2009.

4. Thereafter, the present revision petitioner/A4 filed discharge petition in CMP.No.36 of 2006, the same was dismissed by the trial Court on 15.09.2012. Aggrieved over the said order, the petitioner/A4 filed CRP.No.16 of 2013 before the learned V Additional District and Sessions Judge, Coimbatore, the appellate Court accepted the case of the petitioner and allowed the petition on 22.10.2013. Aggrieved against the said order, the Inspector of Police/respondent filed the present revision before this Court.

5. Subsequently, the trial Court taken up the case in CC.No.19 of 2005 and after full trial, acquitted A1 to A3 on 11.04.2016, the same was happened after discharging the petitioner/A4 by the learned V Additional District and Sessions Judge, Coimbatore on 22.10.2013. A1 to A3 are being the officials of the said Cooperative department, the respondent/police has not chosen to prefer any appeal or revision against the order of acquittal. A5 and A6 are already discharged from the said case. The remaining accused is A4, who is also discharged by the learned V Additional District and Sessions Judge, Coimbatore on 22.10.2013.

6. In view of the above facts and circumstance, after acquittal of A1 to A3 and discharge of A5 and A6, there is nothing available on record to frame charges against A4. Since, there is no incriminating materials available against A4 and no statement was recorded by the Investigating Officer. This Court finds there is no illegality or infirmity in the order passed by the learned V Additional District and Sessions Judge, Coimbatore and the same does not warrant any interference by this Court.



7. In the result, the criminal revision petition stands dismissed.

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-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Additional District and Sessions Judge,
Fast Track Court No. III, Coimbatore.
2. The V Additional District and Sessions Judge,
Coimbatore.
3. Judicial Magistrate Court No. 4, Coimbatore.
4. The Public Prosecutor, High Court, Madras.
5. The Inspector of Police
CCIW CID coimbatore city unit
coimbatore

+1 cc to M/s. Muthumani doraisamy Advocate sr. 35727

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