

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

CrI.R.C.No.1565 of 2016

and

CrI.M.P.Nos.12822 and 12823 of 2016

1.M.Muthusamy
S/o.Munusamy

2.N.Subramani
S/o.Nagireddi

... Petitioners/A5 & 6

Vs.

State by
Inspector of Police,
CCIW, CID,
Dharmapuri.

... Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned District Munsif cum Judicial Magistrate, Pappireddipatti, passed in C.M.P.No.3243 of 2016 in C.C.No.186 of 2006 on 17.10.2016.

For Petitioners : No appearance
Mr.T.Pappaiah Dharmarajan

For Respondent : Mr.M.Mohammed Riyaz,
Government Advocate [CrI.side]

WEB COPY
O R D E R

Learned counsel for petitioners sought adjournment and the same was refused. When the matter is taken up, there is no representation for petitioners. This Court proceeds to pass orders in the matter.

2. This revision arises against the order of learned District Munsif cum Judicial Magistrate, Pappireddipatti, passed

in C.M.P.No.3243 of 2016 in C.C.No.186 of 2006 on 17.10.2016.

3. Petitioners/accused are charged of offences u/s.408, 409, 465, 468, 471, 477(a), 420 r/w 120(b) IPC. Petitioners are employees of Kadathur Agricultural Co-operative Society. Informing that they had repaid the entire sum said to have been misappropriated by them and other reasons, they had sought relief u/s.3 of the Probation of Offenders Act in C.M.P.No.3243 of 2016 in C.C.No.186 of 2009. Against dismissal of such petition, under orders dated 17.10.2016, petitioners are before this Court.

4. Heard learned counsel for petitioners and learned Government Advocate [Crl.side] for respondent.

5. The precondition for application of Sections 3 and 4 of Probation of Offenders Act and Section 360 of the Criminal Procedure Code is a finding of conviction. Learned Government Advocate [Crl.side] submits that the case in C.C.No.186 of 2009 on the file of learned District Munsif cum Judicial Magistrate, Pappireddipatti, is at the stage of cross-examination of PWs.2 to 9. The stage for arriving at a finding of guilt or otherwise not having been reached, petition before the Court below would not be maintainable.

For the aforesaid reasons, the Criminal Revision Case shall stand dismissed. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

1.The District Munsif cum Judicial Magistrate,
Pappireddipatti.

2 do Thro The Chief Judicial Magistrate
Dharmapuri District

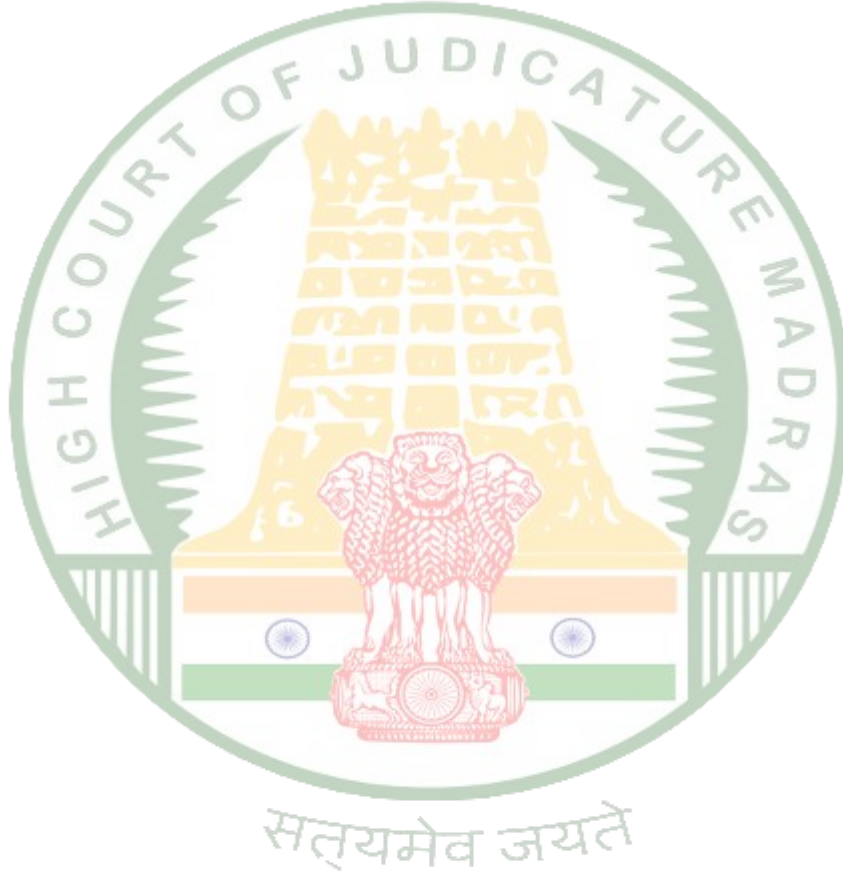
3.The Inspector of Police,
CCIW, CID,
Dharmapuri.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T. Pappaiah, Advocate, S.R.No.74380

sv(CO)
md(27/01/2017)

Cr1.R.C.No.1565 of 2016



WEB COPY