



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2016

CORAM:

THE HON'BLE MRS.JUSTICE S.VIMALA

Crl.O.P(MD) No.13185 of 2016

and

Crl.M.P.(MD) No.6166 of 2016

V.Jayakumar

... Petitioner/A2

-vs-

1. State through
The Inspector of Police,
Commercial Crime Investigation Wing,
Trichy.

2. K.Athmanathan

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., seeking to call for the records in C.C.No.178 of 2011 on the file of the learned Judicial Magistrate No.III, Tiruchirappalli and to quash the same.

For Petitioner : Mr.Chamundi Bose

For Respondents : Mr.A.P.Balasubramani

Govt. Advocate (Crl. Side)

O R D E R

This petition has been filed, seeking to quash the case in C.C.No.178 of 2011 pending on the file of the learned Judicial Magistrate No.III, Tiruchirappalli

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for R1.

3. The case of the prosecution is that the 1st accused in this case, while working as Secretary of the Sri Renganathasamy Employees Cooperative Society, received a sum of Rs.7,67,415/- by means of 14 cheques from the borrowers and deposited the same in the Stores' Account instead of Society's Account. The petitioner / A2, who is the Supervisor of the Society to monitor the work of the Society's workers including A1, failed to discharge his duties thereby committed offences under Sections 409, 468, 471 and 477 (a) IPC r/w 120 (b) IPC.



4. Learned counsel for the petitioner would submit that the charge itself is that the amount collected ought to have been deposited in the society's account, but it was wrongly deposited in the Stores' account; that the work of the petitioner is supervisory in nature and he has nothing to do with the alleged deposit.

4.1. Learned counsel for the petitioner drew the attention of this Court to the circular dated 11.12.1991 issued by the Registrar of Cooperative Societies, Chennai, wherein it has been mentioned that the departmental officers, who are not directly involved in the frauds or misappropriations need not be included as delinquents in a routine manner in the inquiry reports or complaints filed with the Police and therefore, the charge against the petitioner is baseless and the proceedings must be quashed against the petitioner/A2.

5. Learned Government Advocate (Crl.Side) would contend that joint Trial in C.C.Nos.178 and 179 of 2011 has commenced and two witnesses have already been examined.

6. In view of the above submission, it would be in the interest of justice to direct the Trial Court to dispose of the case within the limited time frame.

7. Accordingly, learned Judicial Magistrate No.III, Tiruchirappalli is directed to complete the joint trial in C.C.Nos.178 and 179 of 2011 and dispose of the case within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate No.III, Tiruchirappalli.
2. The Inspector of Police,
Commercial Crime Investigation Wing, Trichy.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Ar

CSL/SS-3/31.08.2016: 2p/4c