

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2017

CORAM:

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

CrI.R.C.No.40 of 2017
and
CrI.M.P.Nos.477 and 478 of 2017

M.Loganathan
S/o.Muthusamy

.. Petitioner

vs.

State represented by
Inspector of Police,
District Crime Branch,
Erode, Erode District.
Crime No.675 of 2010

.. Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C.
against the order of learned Chief Judicial Magistrate, Erode,
passed in CrI.M.P.No.1212 of 2016 in C.C.No.22 of 2015 on
20.12.2016.

For Petitioner : Mr.C.E.Pratap

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

O R D E R

This revision arises against the order of learned Chief
Judicial Magistrate, Erode, passed in CrI.M.P.No.1212 of 2016 in
C.C.No.22 of 2015 on 20.12.2016.

2. Petitioner and two others are accused of offences
u/s.120-B and 420 IPC in case being tried in C.C.No.22 of 2015
on the file of learned Chief Judicial Magistrate, Erode.
Petitioner/A3 sought discharge in CrI.M.P.No.1212 of 2016. Court
below, under orders dated 20.12.2016, dismissed such petition.
Hence, this revision.

3. Heard learned counsel for petitioner and learned
Government Advocate [CrI.side].

4. In dismissing the petition seeking discharge, the Court

below has informed thus:

"6. In this case FIR filed in Erode, District Crime Branch Cr.No.675/2010 u/s.120(B) and 420 IPC as against one Vijaya, Santhamoorthy and Loganathan. At the time of giving complaint the defacto complainant and other affected witnesses are categorically stated that all the accused are joined together and conducted auction chit. Further more it is admitted that A1 and A2 are wife and husband and A3 is the brother of A1. All the 24 witnesses stated by the prosecution were participated in the auction chit conducted by the accused. Further the prosecution come to the calculation that all the accused were cheated in the huge amount of Rs.72,81,735/-. But now the accused stated that he is no way connected with offence. From the complaint as well as from the investigation done by the prosecution it seems that there is prima facie case against all the accused.

7. It is not only on the basis of confession by the co-accused the case investigated. On the basis of the complaint filed by the complainant and other affected persons this petitioner also implicated in this case. Hence in this juncture only plea raised by the petitioner/3rd accused that only on the basis of confession this accused is not implicated. Hence in this circumstances there is no legal necessity to discharge the accused from the charges levelled against him. Hence, this petition is dismissed."

5. In considering a petition for discharge, all that is required to be considered is whether a prima facie case exists or not. On a reading of the statement of witnesses as also the complainant, it is clear that petitioner stands implicated and such is sufficient reason for requiring him to face trial.

The Criminal Revision Case shall stand dismissed. Connected miscellaneous petitions are closed.

sd/

Assistant Registrar(CS IV)

/true copy/

Sub Assistant Registrar

gm

To

1.The Chief Judicial Magistrate,
Erode.

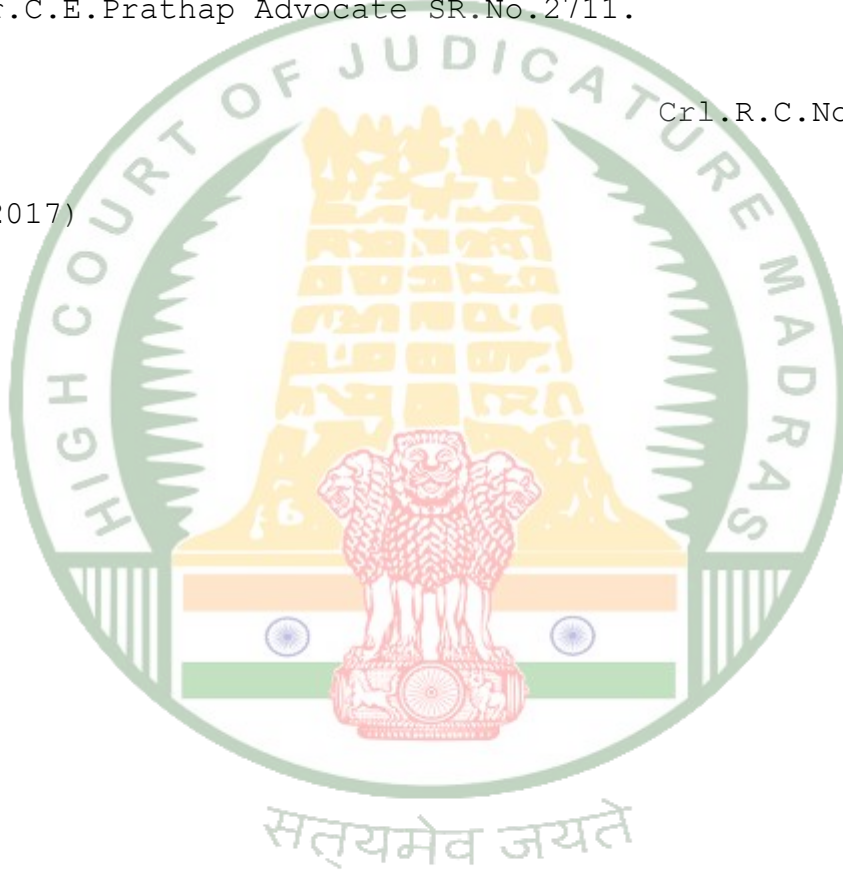
2.The Inspector of Police,
District Crime Branch,
Erode, Erode District.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.C.E.Prathap Advocate SR.No.2711.

Cr1.R.C.No.40 of 2017

LRS (CO)
GN(14/02/2017)



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