

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.R.C.No.1000 of 2011

Tamil Nadu Fisheries Development
Corporation Limited,
Rep. by P.Mohanasundaram,
General Manager,
D.N.129, R.K. Mutt Road,
Raja Annamalaipuram,
Chennai-600028.

.... Petitioner

vs

1. S.Senthilkumar
2. State rep. by
Sub Inspector of Police,
District Crime Branch,
Nagapattinam.

.... Respondents

Criminal Revision Case filed under section 397 r/w 401 of the Code of Criminal Procedure, to set aside the Judgment dated 14.08.2008 passed in C.C.No.434 of 2000 by the Judicial Magistrate No.I, Nagapattinam and consequently to convict the accused u/s.409 of IPC.

For Petitioner : Mr.M.Kempraj

For Respondent : Mr.Sathish Rajan for R-1
Mrs.M.F.Shabana,
Govt. Advocate (Crl. Side) For R-2

O R D E R

Challenging the order of acquittal, the present criminal revision case has been filed. The first respondent is the sole accused in C.C.No.434 of 2000 on the file of the learned Judicial Magistrate No.I, Nagapattinam. He stood charged for an offence under Section 409 of IPC. The allegation against the first respondent/accused is that he was working as Assistant Manager in Tamil Nadu fisheries Department at Nagapattinam Division and he has misappropriated the funds of the Department. Totally, three criminal cases has been filed against the first respondent/accused for misappropriation of funds for various period and all the three cases, the first respondent was

acquitted. Challenging the order of acquittal, the petitioner herein filed three criminal revision cases before this Court in CrI.R.C.No.946 of 2011 and another criminal revision case in CrI.R.C.SR.No.15696 of 2009 and the present criminal revision case in CrI.R.C.No.1000 of 2011. Earlier, this Court, by order dated 14.07.2011, dismissed the CrI.R.C.No.946 of 2011, against which, the petitioner filed a Special Leave Petition before the Hon'ble Supreme Court and the same was dismissed by the Hon'ble Supreme Court by order dated 02.07.2012. Subsequently, another criminal revision case in CrI.R.C.SR.No.15696 of 2009 filed by the petitioner is also withdrawn by the petitioner on the ground that the Special Leave Petition filed by the petitioner was dismissed by the Hon'ble Supreme Court.

2. Today, when the matter is taken up for hearing, the learned counsel appearing for the first respondent would submit that since already two criminal revision cases have been dismissed. On the similar circumstances, this Court dismissed the revision case on merit and it is also confirmed by the Hon'ble Supreme Court. Hence, the above judgment is applicable to the facts of this case also.

3. Considering the above circumstances, since already two revision cases on a similar circumstances dismissed against the petitioner, I am inclined to dismissed the present criminal revision case.

4. In the result, the criminal revision case is dismissed.

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

rrg

To

The Judicial Magistrate No.I,
Nagapattinam.

+1cc to Mr.S.Sathish Rajan, Advocate in sr.no.277
+1cc to Mr.M.Kempuraj, Advocate in sr.no.299

CrI.R.C.No.1000 of 2011

NM(CO)
NR 28/06/2017