

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No. 7304 of 2016
and Crl.MP.Nos. 3820 & 3821 of 2016

R.Padma

.. Petitioner

Vs.

The Inspector of Police,
Central Crime Branch,
Salem.
(Crime No. 35/20105)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records connected with the proceedings of the charge sheet in C.C. No.90 of 2009 pending trial on the file of the learned Judicial Magistrate No.I, Salem and quash the same.

For Petitioner :

M/s.K.Thilageswaran

For Respondent :

Mr.P.Govindarajan
Additional Public Prosecutor.

ORDER

The case of the prosecution is that the witness, who is a retired High Court Judge, along with his wife had a savings bank joint account in State Bank of India, Main Branch, Salem. The first accused had forged the withdrawal form by subscribing the witnesses' signature and thereby cheated.

2. The petitioner who is the 20th accused has also been implicated in the present case, since she happened to be a bank employee, who handled the withdrawal forms signed by the first accused. Challenging the same, the present petition has been filed by the petitioner/20th accused.

3. Heard both sides.

4. On a perusal of the charge sheet as well as witnesses, it is seen that all the statements implicated the first accused namely S.Sivaraman, however other 25 persons have also named as accused, in which the petitioner is the 20th accused.

5. The petitioner has been charged under Charge Nos.3,22,23 & 30. Even on perusal of these charges, it is seen that the petitioner had been accused of having abetted the first accused for misappropriation. However there is not a single statement of any of witnesses that the petitioner herein had forged the signature of the witnesses. Even the allegations of abettment as against the petitioner is not supported by any specific averments in the statement. In the absence of any such statement and other evidences, it would not be appropriate to permit the petitioner to undergo the ordeal of trial.

6. In this background, I am of the view that the petitioner is entitled to succeed. Consequently, the criminal original petition is allowed and the proceedings in C.C. No. 90 of 2009 on the file of the learned Judicial Magistrate No.I, Salem insofar as the petitioner is concerned stands quashed.

The connected Miscellaneous Petitions are also closed.

19.09.2017

Index:Yes/No
ak/dpq

M.S.RAMESH. J.,
ak/dpq

To

- 1.The Inspector of Police,
Central Crime Branch,
Salem .
2. The Public Prosecutor,
High Court, Madras.



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