



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) Nos.11237 to 11240 of 2017
and
Crl.M.P.(MD) Nos.7718 to 7725 of 2017

S.Nallasivan ... Petitioner / A2 in all cases

-Vs-

1.The Inspector of Police,
C.C.I.W. Madurai City,
Madurai. ... 1st Respondent
/ Complainant in all cases

2.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Madurai Region,
Madurai. ... 2nd Respondent
/ De-facto complainant in all cases

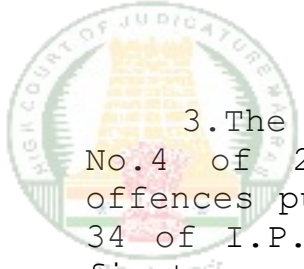
Common Prayer: Criminal Original petitions filed under Section 482 of Code of Criminal Procedure, to call for the charge sheet filed in C.C.Nos.161, 162, 163 and 164 of 2008 pending on the file of the Learned Judicial Magistrate No.III (C.C.I.W.), Madurai insofar as the petitioner in all the cases are concerned and quash the same.

For Petitioner : Mr.S.Karthik
(In all cases)
For R1 : Mr.K.Anbarasan,
Government Advocate(Crl.side).
(In all cases)

COMMON ORDER

These Criminal Original Petitions have been filed to call for the charge sheet filed in C.C.Nos.161, 162, 163 and 164 of 2008, pending on the file of the learned Judicial Magistrate No.III (C.C.I.W.), Madurai insofar as the petitioner, in all the cases, is concerned and quash the same.

2.Heard the learned counsel appearing for the petitioner and <https://hds.ces.courts.gov.in/cses/cases/> Government Advocate(Criminal side) appearing for the respondents, in all the criminal original petitions.



3.The petitioner states that he is the second accused in Crime No.4 of 2006 and other cases which were registered for the offences punishable under Sections 406, 408, 468, 471, 477(A), r/w 34 of I.P.C. In the complaint, allegations were made against the first respondent, who is the President of the Society. Similar cases were also registered in connection with different transactions. It is further stated that the Special Officer who was holding similar position was discharged by order of Court below. Similarly, the Auditor was also discharged from the charges. This Court is not in a position to accept the contention of the petitioner as the auditor and the Special Officer of the society may not stand in the same footing as the petitioner, who is the President of the Society and whose responsibility is different from the discharged accused.

4.Though the learned counsel for the petitioner raised several grounds on the merits of criminal case as against the petitioner, the facts stated in the complaint reveals the involvement of the second accused. This Court is not in a position to rule out the possibility of the petitioner being found guilty of offences as per the charge sheet. However, the learned Counsel for the petitioner, seeks indulgence of this Court to direct at least the learned Judicial Magistrate No.III (C.C.I.W.) to dispose of the C.C.Nos.161, 162, 163 and 164 of 2008. Hence without expressing any opinion on the merits of the petitioner's case, this Court directs the learned Judicial Magistrate No.III, (C.C.I.W.), Madurai, to decide all the issues raised by the petitioner on merits and to dispose of the C.C.Nos.161, 162, 163 and 164 of 2008 as expeditiously as possible, preferably within a period of six months from the date of receipt of copy of this order.

5.In the meanwhile, the personal appearance of the petitioner is dispensed with, unless or until the presence of the petitioner is specifically required by order of Court below.

6.With the above directions, these Criminal Original Petitions are disposed of. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

<https://hcservicecourts.gov.in/cases> The learned Judicial Magistrate No.III, (C.C.I.W.), Madurai.



2.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Madurai Region,
Madurai.

3.The Inspector of Police,
C.C.I.W. Madurai City,
Madurai,
(in Crime 4 of 2006).

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

+4 cc to Mr.S.Karthick, Advocate, SR.No.74870

cmr/dss
RL/9C/3P/SKN/RSK/SAR1/3/10/2017

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