



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**Crl.R.C.(MD).Nos.594 to 599 and 470, 471 of 2015
andM.P.(MD).Nos.1,1,1,1,1,1,1 and 1 of 2015ANDCrl.R.C.(MD)Nos.82, 90, 175, 186 of 2016andCrl.M.P.(MD)Nos.1466, 1547, 2480 and 2631 of 2016**Crl.R.C.(MD).No.594 to 599 of 2015:**

Somasundaram (in Crl.R.C.(MD).No.594 of 2015) :

Petitioner/Petitioner/Accused No.3

Arumuganainar (in Crl.R.C.(MD).No.595 of 2015) :

Petitioner/Petitioner/Accused No.4

Arumuganainar (in Crl.R.C.(MD).No.596 of 2015) :

Petitioner/Petitioner/Accused No.6

Arumuganainar (in Crl.R.C.(MD).No.597 of 2015) :

Petitioner/Petitioner/Accused No.5

Mariyathan (in Crl.R.C.(MD).No.598 of 2015) :

Petitioner/Petitioner/Accused No.6

Selvaraj (in Crl.R.C.(MD).No.599 of 2015) :

Petitioner/Petitioner/Accused No.4

Vs.

State Represented by,

Deputy Superintendent of Police,

Tirunelveli Sub-Division

CCIW-CID(Cr.No.4 of 2011

on the file of the CCIW-CID Police

Tuticorin District). : Respondent / Respondent/ Complainant

(in Crl.R.C.(MD).Nos.594 to 599 of 2015)

PRAYER: Criminal Revision Cases are filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records from the lower court and to duly set aside orders passed in Cr.M.P.Nos.1566,1567,1557,1561,1575 and 1582 of 2013, dated 04.08.2015 in C.C.Nos.38,38,35,36,40 and 42 of 2012, respectively, on the file of the Judicial Magistrate No.II (CCIW-Special Court) Tirunelveli, Tirunelveli District.



For Petitioners : Mr.K.Prabhu
For Respondent : Mr.C.Mayil Vahana Rajendran
Additional Public Prosecutor
(In CrI.R.C.Nos.594 to 599 of 2015)

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CrI.R.C. (MD) .No.470,471 of 2015:

P.Anthoni Samy : Petitioner
in both CRPs

Vs.

The State Represented by
The Inspector of Police,
CCIW-CID, Tirunelveli,
Tirunelveli District,
Crime No.4 of 2011

: Respondent /
Complainant

(in CrI.R.C. (MD) .Nos.470,471 of 2015)

PRAYER: Criminal Revision Cases are filed under Section 397 and 401 of the Code of Criminal Procedure, to pass orders revising the order of the Learned Judicial Magistrate No.II (CCIW-Special Court) Tirunelveli, Tirunelveli District dated 04.08.2015 made in CrI.M.P.Nos.1556 and 1560 of 2013 in C.C.Nos.35 and 36 of 2012, respectively and consequently allow these applications filed by the petitioner for his discharge under Section 239 of Cr.P.C in connection with Crime No.4 of 2011 on the file of the Inspector of police CCIW-CID, Tirunelveli, Tirunelveli District.

For Petitioner : Mr.S.Palani Velayutham
For Respondent : Mr.C.Mayil Vahana Rajendran
Additional Public Prosecutor
(In CrI.R.C.Nos.470 and 471 of 2015)

CrI.R.C. (MD) .No.82,90,175,186 of 2016:

Annamalai : Petitioner / Petitioner/ A2

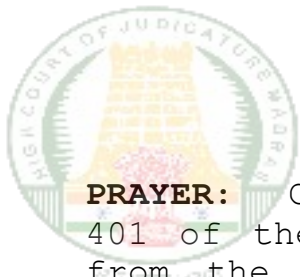
Vs.

State Represented by,
Inspector of Police,
Cr.No.4 of 2011,
CCIW-CID

<https://hcservices.courts.gov.in/hcservices/>

: Respondent / Respondent/ Complainant

(in CrI.R.C. (MD) .No.82,90,175,186 of 2016)



PRAYER: Criminal Revision Cases are filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records from the lower Court and to duly set aside orders passed in Cr.M.P.Nos.1569,1565,1571 and 1576 of 2013, dated 04.08.2015 in C.C.Nos.39,38,40 and 41 of 2012, respectively, on the file of the Judicial Magistrate No.II, Tirunelveli, CCIW-Special Court, Tirunelveli District.

For Petitioner : Mr.K.Prabhu
For Respondent : Mr.C.Mayil Vahana Rajendran
Additional Public Prosecutor
(In CrI.R.C.Nos.82,90,175,186 of 2016)

C O M M O N O R D E R

The petitioners in all these revisions are accused. The case of the prosecution is that the accused Nos.A4 and A5, are working as a Writer and a Supervisor in the Tuticorin Melur Co-operative Society, charged for the offence under Sections 408, 409, 467, 468, 471, 420, r/w 109 and 34 of IPC. The allegation was that while they were functioning as Junior Clerk and Sub-Registrar cum Supervisor from the period of 09.07.2001 to 27.11.2002, A1 to A4 misappropriated the Society fund of Rs.4,90,160/- by creating forged documents. Even without constructing the house, the accused misappropriated the amount. As far as A5 is concerned, he has also conspired with other accused without inspecting the house site, he has issued a false certificate as if the house has been constructed on various dates, even though there is no house constructed. The petitioners filed petitions to discharge them from the charges. The trial Court dismissed the applications. Now, challenging the same, they have filed the present revision petitions.

3. Heard all the learned counsel for the petitioners and Mr.C.Mayil Vahana Rajendran, learned Additional Public Prosecutor and also perused the documents.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the trial has already been commenced and more than sixteen witnesses have been examined.

5. Considering the above fact that the trial already commenced, without going into the merit of the case, I am inclined to dispose of the revisions by directing the trial Court to proceed with the trial and dispose of the same expeditiously within a period of six months from the date of receipt of a copy



of this order and the petitioners are at liberty to raise all their defence in the trial.

Sd/-

Assistant Registrar (CO)

/True copy/

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Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
(CCIW-Special Court)Tirunelveli,
Tirunelveli District.
 2. The Deputy Superintendent of Police,
Government of TamilNadu,
Tirunelveli Sub-Division
CCIW-CID(Cr.No.4 of 2011)
on the file of the CCIW-CID Police
Tuticorin District.
 3. The Inspector of Police,
Government of TamilNadu,
CCIW-CID, Thoothukudi.
 4. The Inspector of Police,
CCIW-CID, Tirunelveli,
Tirunelveli District.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.S.PALANI VELAYUTHAM, Advocate, SR No. 72854.

SM/PSD

PSM/GT/SAR1/30.08.2017/4P/7C

Cr1.R.C.(MD).Nos.594 to 599 and 470, 471 of 2015
and
Cr1.R.C.(MD)Nos.82, 90, 175, 186 of 2016
16.08.2017