



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.07.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C (MD) .No.326 of 2017

and

Crl.M.P. (MD) .3127 of 2017

Rajasekar

... Petitioner/Accused No.4

-Vs-

The State Represented By
The Inspector of Police,
District Crime Branch,
Sivagangai.

... Respondent/Complainant

Prayer : Criminal Revision Case filed under Section 397 of the Code of Criminal Procedure, to call for the records and set aside the order passed by the learned Judicial Magistrate No.II, Sivagangai, on 03.02.2017 in Crl.M.P.No.6104 of 2014 in C.C.No.148/2014.

For Petitioner	: Mr.S.Loganathan Sivanesan
For Respondent	:Mr.C.Mayilvahana Rajendran
	Additional Public Prosecutor

O R D E R

Based on a complaint given by the District Manager, Tamil Nadu State Marketing Corporation (TASMAC) stating that A1, in this case, working as supervisor and A2 to A4, working as salesman in a TASMAC shop at Thirupachethi, Sivagangai District, have misappropriated a sum of Rs.6,91,680/-, a crime has been registered in Crime No.2/2014 under Sections 409 and 120(b) of I.P.C. After investigation, final report has been filed by the respondent police. The Court below has taken cognizance of the offence. Thereafter, the petitioner has filed a petition for discharging him from the offence stating that he is only salesman. The Court below dismissed the petition. Challenging the same, the present revision case has been filed.

2.I have heard Mr.S.Loganathan Sivanesan, the learned counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor appearing for the respondent and perused the records carefully.

3.The learned counsel appearing for the petitioner
<https://hservices.hcourtsgov.in/hservices/>
submitted that the petitioner is only a salesman and he is nothing to do with handling of money. His duty is only to sell liquor to



customers and cash was only handled by A1/Supervisor. Hence, according to him, the petitioner has not misappropriated any amount.

4. On a perusal of the records, it is seen that prima facie, there are materials available on record to show that the petitioner has also involved in misappropriation along with A1. In the above circumstances, the Court below, after considering the entire materials, dismissed the application.

5. In view of the above, I find no illegality or irregularity in the order passed by the court below. Hence, this Criminal Revision Case is dismissed. Since C.C.No.148 of 2014 is of the year 2014, the trial court is directed to complete the trial, within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-III)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

1.The Judicial Magistrate No.II, Sivagangai.

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

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

+1cc to M/S.S.LOGANATHAN SIVANESAN, Advocate SR.No.65455

vs

MAS/SKN-RSK/SAR1:02.08.2017:2P-5C

Cr1.R.C (MD) No.326 of 2017
14.07.2017