

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.21008 of 2018

D.Singaram

.. Petitioner

Vs

The Inspector of Police,
District Crime Branch,
Salem, Salem District.
(Crime.No. 28/2007)

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the respondent to alter the charge sheet in CC.No.41 of 2018 on the file of the Judicial Magistrate Court No.III, Salem.

For Petitioner : Mr.K.Kalaikovan

For Respondent : Mr.C.Raghavan, GA

ORDER

On the complaint lodged by the petitioner, the respondent Police have registered a case in Crime No.28 of 2007 on 17.11.2007 and after completing the investigation, have filed a Charge Sheet in CC.No.41 of 2018 before the Judicial Magistrate No.III, Salem for the offences under Section 420 IPC against nine accused. While so, the de facto complainant has filed the present petition with the above prayer.

2.Heard the learned counsel for the petitioner/de facto complainant and the learned Government Advocate.

3.Learned counsel for the de facto complainant submitted that the accused had cheated to a tune of Rs.2Crores. But, whereas, in the Charge Sheet, the cheated amount has been shown as Rs.15,37,941/- only. Therefore, the petitioner is before this Court for alteration of the Charge Sheet.

4.In the opinion of this Court, no direction to alter the

Charge Sheet can be issued under Section 482 Cr.P.C. In a case of cheating, the amount is not very significant and it is only the modus operandi that is significant. Of course, the amount may be a guiding factor to impose punishment. It is always open to the witness to depose before the Court, as to the actual amount they were cheated and at the time of judgment, the Court can appropriately pass the sentence, if the prosecution proves the commission of substantial amounts of cheating by the accused.

With the above observation, this petition is closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

The Inspector of Police,
District Crime Branch,
Salem, Salem District.

+1cc to Mr.K.Kalai Kovan, Advocate, S.R.No. 59726

Crl.O.P.No.21008 of 2018

GN(10/09/2018)

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