

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 14.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.29233 of 2018
and
Cr1.M.P.No.17143 and 17144 of 2018

Govindarasu Petitioner/Accused

Vs.

1.The Inspector of Police,
CCIW CID, Villupuram,
Villupuram District. ... 1ST Respondent /Complainant

2.K.Nalina,
Deputy Registrar of Cooperative Societies,
Tindivanam Circle, Tindivanam,
Villupuram District.
...2ndRespondent/De-facto complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records concerned in C.C.No.288 of 2018 on the file of the Judicial Magistrate, Tirukoilur, Villupuram District and quash the same in so far the petitioner is concerned.

For Petitioner: Mrs.R.Hemalatha,
for Mr.C.Prakasam,

For R-1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.288 of 2018, pending on the file of the Judicial Magistrate, Tirukoilur, Villupuram District.

2.The petitioner has been added as A2 in the final report and the same has been taken cognizance by the Court below for an offence under Sections 408, 477(A) and 120 B of IPC.

3.The learned counsel for the petitioner would submit that this petitioner was only working as a Secretary in the Cooperative Credit Society and he has nothing to do with the alleged offence. That apart, the learned counsel would also submit that the President of the society repaid back a sum of Rs.1,50,000/- and this petitioner repaid a sum of Rs.50,000/- and thereby the entire amount has been paid back to the society. The learned counsel would further submit that there is no material against this petitioner in order to sustain the charge of criminal conspiracy.

4.The learned Additional Public Prosecutor would submit that sufficient materials have been collected by the respondent police in the course of investigation and there are strong grounds to proceed further against the petitioner and the grounds raised by the petitioner cannot be taken into consideration for the purpose of quashing the proceedings.

5.This Court has carefully considered the submissions made on either side. This Court is not inclined to interfere with the proceedings at this stage. It is left open to the petitioner to raise all the grounds before the Court below in the course of the proceedings and the Court below shall consider the same on its own merits and in accordance with law.

6.The learned counsel for the petitioner requests this Court to consider dispensing with the appearance of the petitioner in view of his age.

7.The presence of the petitioner is dispensed with and he shall be represented by a counsel before the Court below. The petitioner shall be present before the Court below at the time of framing of charges, questioning under Section 313 of Cr.P.C., and at the time of passing of the judgment. The counsel representing the petitioner shall cross examine the witnesses on the same day when they are examined in chief and the petitioner shall not dispute the identity of any witness.

8.This Criminal Original petition is disposed of with a direction to the Court below to complete the proceedings within a period of six months from the date

of receipt of a copy of this order. Consequently,
connected CrI.M.P.No.17143 of 2018 is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vsg1/ia
To

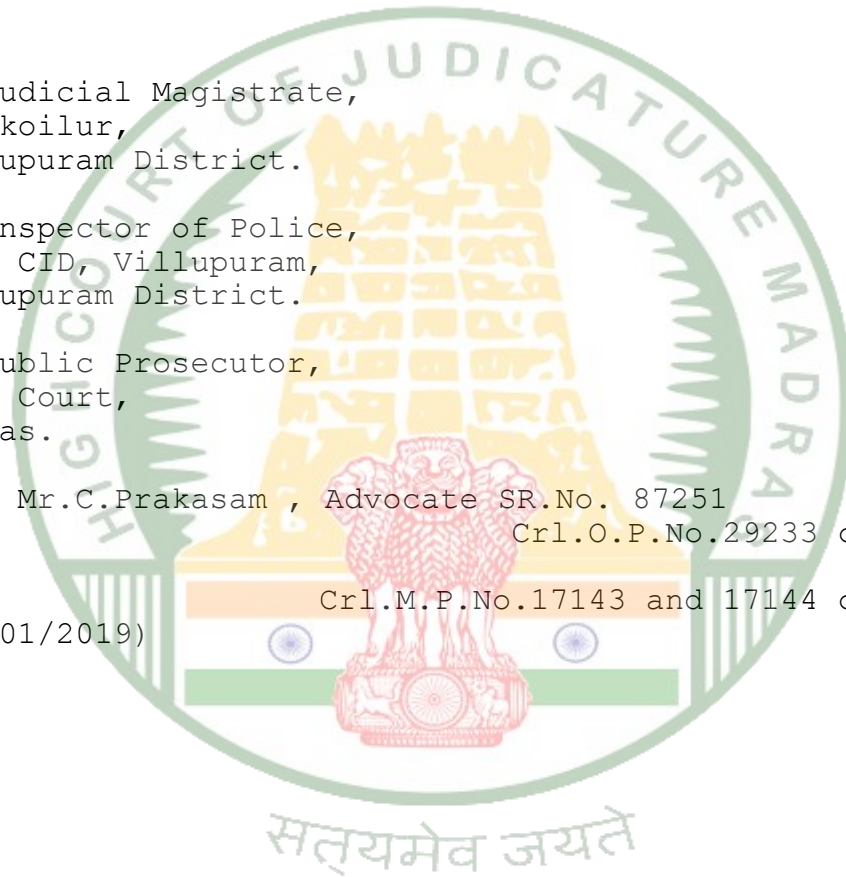
1.The Judicial Magistrate,
Tirukoilur,
Villupuram District.

2.The Inspector of Police,
CCIW CID, Villupuram,
Villupuram District.

3.The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.C.Prakasam , Advocate SR.No. 87251
CrI.O.P.No.29233 of 2018
and
CrI.M.P.No.17143 and 17144 of 2018

ASK(04/01/2019)



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