

Bail Slip

The Accused, namely Sadasivam S/o Parasuraman sole Accused in CC.NO.70,72,74,68,82,73,83,81, 80,79,78,77,76,75,71,69&67 On the file of the Judicial Magistrate No.2, Vellore was released on bail in CrI.MP.Nos.1 to 1/08 in CrI RC.Nos.1204 to 1208 &1210 to 1221/08 dated 26.09.2008 on the file of this Hon'ble court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.01.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.R.C.Nos.1204, 1205, 1206, 1207, 1208, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220 and 1221 of 2008

CrI.R.C.No.1204 of 2008:

Sadasivam ... Petitioner/Appellant

Vs.

1.State: Represented by
Sub Inspector of Police
C.C.I.W.C.I.D.
Thiruvannamalai.
Cr.No.8/1999

2.The Special Officer,
Mallavadi Primary Agricultural
Cooperative Society,
Thiruvannamalai.

(R2 is impleaded on suo motu as per the order of of this Hon'ble Court dated 13.04.2018 made in CrI.R.C.Nos.1204 to 1208 of 2008 and 1210 to 1221 of 2008) ... Respondents

Prayer:

Criminal Revision Case filed under Section 397 and 401 of the Criminal Procedure Code seeking to call for the records made in C.C.No.70,72,74,68,82,73,83,81, 80,79,78,77,76,75,71,69&67 respectively of 2001 on the file of the Judicial Magistrate No.2, Vellore - Order dated 24.08.2007 as confirmed by Judgment made in C.A.No.284,286,288,282,296,287,297,295,294,293,292,291,290,

289,285,283&281/07 respectively on the file of the Additional District cum Sessions Court, (Fast Track Court), Vellore - Order dated 20.3.2008, set aside the same and allow this Criminal Revision Petition.

For Petitioner : Mr.P.Srinivasan
For Respondents : Mr.R.Ravichandran for R1
Government Advocate (Crl. Side)
Ms.T.Girija for R2

C O M M O N O R D E R

The petitioner in Crl.R.C.No.1204 of 2008 is the accused in C.C.No.70 of 2001. The case of the prosecution is that the petitioner was working as Secretary Incharge of the Mallavadi Primary Agricultural Cooperative Society, during the period between 13.10.1990 and 15.12.1992. Whiles, on 20.10.1992, he did not disburse the loan amount of Rs.2,284/- to one Mannu Naidu, however, recorded in the relevant documents as though the amount has been disbursed. As such, the petitioner has misappropriated a sum of Rs.2,284/-. Hence, the petitioner was charged for the offence under Sections 409, 477(A) of IPC by the Trial Court/ Judicial Magistrate Court No.2, Vellore.

2.The charges framed against the petitioner were explained and read over to him and when questioned about the same, he denied the

charges. Hence, trial was proceeded against him. On the side of the prosecution 7 witnesses were examined as P.W.1 to P.W.7 and 14 documents were marked as exhibits Ex.P1 to Ex.P14. No material object was marked. On the side of the accused no witness was examined and no document was marked.

3.After trial, the Trial Court convicted the petitioner for the offence under Sections 406, 477(A) of IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 406 of IPC and to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 477(A) of IPC. The sentences were ordered to run concurrently. The Trial Court further ordered that the sentence imposed on the petitioner in the present case and the sentences imposed on the petitioner in C.C.Nos.67 to 69 of 2001 to run concurrently.

4.Aggrieved by the said conviction and sentence, the petitioner preferred appeal in C.A.No.284 of 2007 before

the learned Additional District cum Sessions Court, (Fast Track Court), Vellore. The lower Appellate Court dismissed the appeal and confirmed the order passed by the Trial Court. Challenging the said conviction and sentence, the petitioner has preferred the revision before this Court.

5.The petitioner in CrI.R.C.No.1205 of 2008 is the accused in C.C.No.72 of 2001. The case of the prosecution is that the petitioner was working as Secretary of the Mallavadi Primary Agricultural Cooperative Society, during the period between 23.03.1993 and 14.04.1996. Whiles, the petitioner by making false entries in the records has misappropriated a sum of Rs.56,810/-. Hence, the petitioner was charged for the offence under Sections 409, 477(A) (14 counts) of IPC by the Trial Court/ Judicial Magistrate Court No.2, Vellore.

6.The charges framed against the petitioner were explained and read over to him and when questioned about the same, he denied the charges. Hence, trial was proceeded against him. On the side of the prosecution 19 witnesses were examined as P.W.1 to P.W.19 and 62 documents were marked as exhibits Ex.P1 to Ex.P62. No material object was marked. On the side of the accused no witness was examined and no document was marked.

7.After trial, the Trial Court convicted the petitioner for the offence under Sections 406, 477(A) (one count) of IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 406 of IPC and to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 477(A) of IPC. The sentences were ordered to run concurrently. The Trial Court further ordered that the sentence imposed on the petitioner in the present case and the sentences imposed on the petitioner in C.C.Nos.67 to 71 of 2001 to run concurrently.

8.Agrieved by the said conviction and sentence, the petitioner preferred appeal in C.A.No.286 of 2007 before the learned Additional District cum Sessions Court, (Fast Track Court), Vellore. The lower Appellate Court dismissed the appeal and confirmed the order passed by the Trial Court. Challenging the said conviction and sentence, the petitioner has preferred the revision before this Court.

9.The petitioner in CrI.R.C.No.1206 of 2008 is the accused in C.C.No.74 of 2001. The case of the prosecution is that the petitioner

was working as Secretary of the Mallavadi Primary Agricultural Cooperative Society, during the period between 23.03.1993 and 14.04.1996. Whiles, on 28.03.1994, he did not disburse the amount of Rs.3,073/- to one Ravikumar, however, recorded in the relevant documents as though the amount has been disbursed. As such, the petitioner has misappropriated a sum of Rs.3,073/-. Hence, the petitioner was charged for the offence under Sections 409, 477(A) of IPC by the Trial Court/ Judicial Magistrate Court No.2, Vellore.

10.The charges framed against the petitioner were explained and read over to him and when questioned about the same, he denied the charges. Hence, trial was proceeded against him. On the side of the prosecution 7 witnesses were examined as P.W.1 to P.W.7 and 14 documents were marked as exhibits Ex.P1 to Ex.P14. No material object was marked. On the side of the accused no witness was examined and no document was marked.

11.After trial, the Trial Court convicted the petitioner for the offence under Sections 406, 477(A) of IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 406 of IPC and to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 477(A) of IPC. The sentences were ordered to run concurrently. The Trial Court further ordered that the sentence imposed on the petitioner in the present case and the sentences imposed on the petitioner in C.C.Nos.67 to 73 of 2001 to run concurrently.

12.Aggrieved by the said conviction and sentence, the petitioner preferred appeal in C.A.No.288 of 2007 before the learned Additional District cum Sessions Court, (Fast Track Court), Vellore. The lower Appellate Court dismissed the appeal and confirmed the order passed by the Trial Court. Challenging the said conviction and sentence, the petitioner has preferred the revision before this Court.

13.The petitioner in CrI.R.C.No.1207 of 2008 is the second accused in C.C.No.68 of 2001. The case of the prosecution is that the petitioner was working in the Mallavadi Primary Agricultural Cooperative Society, as Clerk during the period between 06.02.1974 and 04.06.1989 and as Cashier during the period between 05.06.1989 and 08.10.1990. Whiles, the petitioner has assisted the first accused in misappropriation of a sum of Rs.1,613/-. Hence, the petitioner was

charged for the offence under Section 409 r/w.109 of IPC by the Trial Court/ Judicial Magistrate Court No.2, Vellore.

14.The charges framed against the petitioner were explained and read over to him and when questioned about the same, he denied the charges. Hence, trial was proceeded against him. On the side of the prosecution 6 witnesses were examined as P.W.1 to P.W.6 and 17 documents were marked as exhibits Ex.P1 to Ex.P17. No material object was marked. On the side of the accused no witness was examined and no document was marked.

15.After trial, the Trial Court convicted the petitioner for the offence under Section 406 of IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 406 of IPC.

16.Aggrrieved by the said conviction and sentence, the petitioner preferred appeal in C.A.No.282 of 2007 before the learned Additional District cum Sessions Court, (Fast Track Court), Vellore. The lower Appellate Court dismissed the appeal and confirmed the order passed

by the Trial Court. Challenging the said conviction and sentence, the petitioner has preferred the revision before this Court.

17.The petitioner in Crl.R.C.No.1208 of 2008 is the accused in C.C.No.82 of 2001. The case of the prosecution is that the petitioner was working as Secretary of the Mallavadi Primary Agricultural Cooperative Society, during the period between 23.03.1993 and 14.04.1996. Whiles, the petitioner had forged the documents and misappropriated a sum of Rs.29,000/- which had to be disbursed to one Unnamalai. Hence, the petitioner was charged for the offence under Sections 409, 467, 471, 477(A) of IPC by the Trial Court/ Judicial Magistrate Court No.2, Vellore.

18.The charges framed against the petitioner were explained and read over to him and when questioned about the same, he denied the charges. Hence, trial was proceeded against him. On the side of the prosecution 8 witnesses were examined as P.W.1 to P.W.8 and 25 documents were marked as exhibits Ex.P1 to Ex.P25. No material object was marked. On the side of the accused no witness was examined and no document was marked.

19.After trial, the Trial Court convicted the

petitioner for the offence under Sections 406, 467, 471, 477(A) of IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 406 of IPC; to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 467 of IPC; to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 471 of IPC; and to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 477(A) of IPC. The sentences were ordered to run concurrently. The Trial Court further ordered that the sentence imposed on the petitioner in the present case and the sentences imposed on the petitioner in C.C.Nos.67 to 81 of 2001 to run concurrently.

20. Aggrieved by the said conviction and sentence, the petitioner preferred appeal in C.A.No.296 of 2007 before the learned Additional District cum Sessions Court, (Fast Track Court), Vellore. The lower Appellate Court dismissed the appeal and confirmed the order passed by the Trial Court. Challenging the said conviction and sentence, the petitioner has preferred the revision before this Court.

21. The petitioner in CrI.R.C.No.1210 of 2008 is the accused in C.C.No.73 of 2001. The case of the prosecution is that the petitioner was working as Secretary of the Mallavadi Primary Agricultural Cooperative Society, during the period between 23.03.1993 and 14.04.1996. While so, the petitioner by making false entries in the records had misappropriated a sum of Rs.70,025.15. Hence, the petitioner was charged for the offence under Sections 409 and 477(A) (28 counts) of IPC by the Trial Court/ Judicial Magistrate Court No.2, Vellore.

22. The charges framed against the petitioner were explained and read over to him and when questioned about the same, he denied the charges. Hence, trial was proceeded against him. On the side of the prosecution 30 witnesses were examined as P.W.1 to P.W.30 and 74 documents were marked as exhibits Ex.P1 to Ex.P74. No material object was marked. On the side of the accused no witness was examined and no document was marked.

23. After trial, the Trial Court convicted the petitioner for the offence under Sections 406 and 477(A) (1 count) of IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in

default to undergo one month simple imprisonment for the offence under Section 406 of IPC and to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 477(A) of IPC. The sentences were ordered to run concurrently. The Trial Court further ordered that the sentence imposed on the petitioner in the present case and the sentences imposed on the petitioner in C.C.Nos.67 to 72 of 2001 to run concurrently.

24. Aggrieved by the said conviction and sentence, the petitioner preferred appeal in C.A.No.287 of 2007 before the learned Additional District cum Sessions Court, (Fast Track Court), Vellore. The lower Appellate Court dismissed the appeal and confirmed the order passed by the Trial Court. Challenging the said conviction and sentence, the petitioner has preferred the revision before this Court.

25. The petitioner in Crl.R.C.No.1211 of 2008 is the accused in C.C.No.83 of 2001. The case of the prosecution is that the petitioner was working as Secretary of the Mallavadi Primary Agricultural Cooperative Society, during the period between 23.03.1993 and 14.04.1996. Whiles, the petitioner misappropriated several amounts by not making entries in the relevant records. Hence, the petitioner was charged for the offence under Sections 409 r/w 34 and 477 of IPC by the Trial Court/ Judicial Magistrate Court No.2, Vellore.

26. The charges framed against the petitioner were explained and read over to him and when questioned about the same, he denied the charges. Hence, trial was proceeded against him. On the side of the prosecution 20 witnesses were examined as P.W.1 to P.W.20 and 32 documents were marked as exhibits Ex.P1 to Ex.P32. No material object was marked. On the side of the accused no witness was examined and no document was marked.

27. After trial, the Trial Court convicted the petitioner for the offence under Sections 406 r/w 34 and 477 of IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 406 r/w 34 of IPC and to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 477 of IPC. The sentences were ordered to run concurrently. The Trial Court further ordered that the sentence imposed on the petitioner in the present case and the sentences imposed on the petitioner in C.C.Nos.67 to 82 of 2001 to run concurrently.

28. Aggrieved by the said conviction and sentence, the petitioner preferred appeal in C.A.No.297 of 2007 before the learned Additional District cum Sessions Court, (Fast Track Court), Vellore. The lower Appellate Court dismissed the appeal and confirmed the order passed by the Trial Court. Challenging the said conviction and sentence, the petitioner has preferred the revision before this Court.

29. The petitioner in CrI.R.C.No.1212 of 2008 is the accused in C.C.No.81 of 2001. The case of the prosecution is that the petitioner was working as Secretary of the Mallavadi Primary Agricultural Cooperative Society, during the period between 23.03.1993 and 14.04.1996. While so, on 18.07.1995, he did not disburse the amount of Rs.3,230/- to one Sundari, however, recorded in the relevant documents as though the amount has been disbursed. As such, the petitioner has misappropriated a sum of Rs.3,230/-. Hence, the petitioner was charged for the offence under Sections 409 and 477(A) of IPC by the Trial Court/ Judicial Magistrate Court No.2, Vellore.

30. The charges framed against the petitioner were explained and read over to him and when questioned about the same, he denied the charges. Hence, trial was proceeded against him. On the side of the prosecution 13 witnesses were examined as P.W.1 to P.W.13 and 32 documents were marked as exhibits Ex.P1 to Ex.P32. No material object was marked. On the side of the accused no witness was examined and no document was marked.

31. After trial, the Trial Court convicted the petitioner for the offence under Sections 406 and 477(A) of IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 406 of IPC and to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 477(A) of IPC. The sentences were ordered to run concurrently. The Trial Court further ordered that the sentence imposed on the petitioner in the present case and the sentences imposed on the petitioner in C.C.Nos.67 to 80 of 2001 to run concurrently.

32. Aggrieved by the said conviction and sentence, the petitioner preferred appeal in C.A.No.295 of 2007 before the learned Additional District cum Sessions Court, (Fast Track Court), Vellore. The lower Appellate Court dismissed the appeal and confirmed the order passed by the Trial Court. Challenging the said conviction and sentence, the petitioner has preferred the revision before this Court.

33.The petitioner in CrI.R.C.No.1213 of 2008 is the accused in C.C.No.80 of 2001. The case of the prosecution is that the petitioner was working as Secretary of the Mallavadi Primary Agricultural Cooperative Society, during the period between 23.03.1993 and 14.04.1996. Whiles, he has misappropriated several amounts from several persons by not disbursing the amount to them and making false entries as though the amount has been disbursed or by disbursing the amount to another person instead of disbursing the amount to the relevant person. Hence, the petitioner was charged for the offence under Sections 409 and 477(A) (4 counts) of IPC by the Trial Court/ Judicial Magistrate Court No.2, Vellore.

34.The charges framed against the petitioner were explained and read over to him and when questioned about the same, he denied the charges. Hence, trial was proceeded against him. On the side of the prosecution 8 witnesses were examined as P.W.1 to P.W.8 and 22 documents were marked as exhibits Ex.P1 to Ex.P22. No material object was marked. On the side of the accused no witness was examined and no document was marked.

35.After trial, the Trial Court convicted the petitioner for the offence under Sections 406 and 477(A) of IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 406 of IPC and to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 477(A) of IPC. The sentences were ordered to run concurrently. The Trial Court further ordered that the sentence imposed on the petitioner in the present case and the sentences imposed on the petitioner in C.C.Nos.67 to 79 of 2001 to run concurrently.

36.Aggrrieved by the said conviction and sentence, the petitioner preferred appeal in C.A.No.294 of 2007 before the learned Additional District cum Sessions Court, (Fast Track Court), Vellore. The lower Appellate Court dismissed the appeal and confirmed the order passed by the Trial Court. Challenging the said conviction and sentence, the petitioner has preferred the revision before this Court.

37.The petitioner in CrI.R.C.No.1214 of 2008 is the accused in C.C.No.79 of 2001. The case of the prosecution is that the petitioner was working as Secretary of the Mallavadi Primary Agricultural Cooperative Society, during the period between 23.03.1993 and 14.04.1996. Whiles, without the knowledge of one Parasuraman, the petitioner

fraudulently misappropriated a sum of Rs.3,500/- and made false entries in the records as though the amount has been disbursed to the said Parasuraman. Hence, the petitioner was charged for the offence under Sections 409, 467, 471 and 477(A) of IPC by the Trial Court/ Judicial Magistrate Court No.2, Vellore.

38.The charges framed against the petitioner were explained and read over to him and when questioned about the same, he denied the charges. Hence, trial was proceeded against him. On the side of the prosecution 8 witnesses were examined as P.W.1 to P.W.8 and 21 documents were marked as exhibits Ex.P1 to Ex.P21. No material object was marked. On the side of the accused no witness was examined and no document was marked.

39.After trial, the Trial Court convicted the petitioner for the offence under Sections 406, 467, 471 and 477(A) of IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 406 of IPC; to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 467 of IPC; to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 471 of IPC and to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 477(A) of IPC. The sentences were ordered to run concurrently. The Trial Court further ordered that the sentence imposed on the petitioner in the present case and the sentences imposed on the petitioner in C.C.Nos.67 to 78 of 2001 to run concurrently.

40.Aggrieved by the said conviction and sentence, the petitioner preferred appeal in C.A.No.293 of 2007 before the learned Additional District cum Sessions Court, (Fast Track Court), Vellore. The lower Appellate Court dismissed the appeal and confirmed the order passed by the Trial Court. Challenging the said conviction and sentence, the petitioner has preferred the revision before this Court.

41.The petitioner in CrI.R.C.No.1215 of 2008 is the accused in C.C.No.78 of 2001. The case of the prosecution is that the petitioner was working as Secretary of the Mallavadi Primary Agricultural Cooperative Society, during the period between 23.03.1993 and 14.04.1996. Whiles, the petitioner fraudulently misappropriated a sum of Rs.9,400/- from several persons and made false entries in the records as though the amount has been disbursed to them. Hence,

the petitioner was charged for the offence under Sections 409, 467, 471 and 477(A) of IPC by the Trial Court/Judicial Magistrate Court No.2, Vellore.

42.The charges framed against the petitioner were explained and read over to him and when questioned about the same, he denied the charges. Hence, trial was proceeded against him. On the side of the prosecution 16 witnesses were examined as P.W.1 to P.W.16 and 37 documents were marked as exhibits Ex.P1 to Ex.P37. No material object was marked. On the side of the accused no witness was examined and no document was marked.

43.After trial, the Trial Court convicted the petitioner for the offence under Sections 406, 467, 471 and 477(A) of IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 406 of IPC; to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 467 of IPC; to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 471 of IPC and to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 477(A) of IPC.

44.Aggrieved by the said conviction and sentence, the petitioner preferred appeal in C.A.No.292 of 2007 before the learned Additional District cum Sessions Court, (Fast Track Court), Vellore. The lower Appellate Court dismissed the appeal and confirmed the order passed by the Trial Court. Challenging the said conviction and sentence, the petitioner has preferred the revision before this Court.

45.The petitioner in Crl.R.C.No.1216 of 2008 is the accused in C.C.No.77 of 2001. The case of the prosecution is that the petitioner was working as Secretary of the Mallavadi Primary Agricultural Cooperative Society, during the period between 23.03.1993 and 14.04.1996. Whiles, the petitioner fraudulently misappropriated several amounts by making false entries in the records as though the amounts have been paid to the persons who did not own agricultural land, however, the amounts were not paid to them. Hence, the petitioner was charged for the offence under Sections 409 and 477(A) of IPC by the Trial Court/ Judicial Magistrate Court No.2, Vellore.

46.When the petitioner was questioned under Section 313 (1) (A) of Cr.P.C. about the incriminating materials

available against him, he said that in order to dismiss him from service a false case has been foisted against him. Hence, trial was proceeded against him. On the side of the prosecution 8 witnesses were examined as P.W.1 to P.W.8 and 20 documents were marked as exhibits Ex.P1 to Ex.P20. No material object was marked. On the side of the accused no witness was examined and no document was marked.

47. After trial, the Trial Court convicted the petitioner for the offence under Sections 406 and 477(A) of IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 406 of IPC and to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 477(A) of IPC. The sentences were ordered to run concurrently. The Trial Court further ordered that the sentence imposed on the petitioner in the present case and the sentences imposed on the petitioner in C.C.Nos.67 to 76 of 2001 to run concurrently.

48. Aggrieved by the said conviction and sentence, the petitioner preferred appeal in C.A.No.291 of 2007 before the learned Additional District cum Sessions Court, (Fast Track Court), Vellore. The lower Appellate Court dismissed the appeal and confirmed the order passed by the Trial Court. Challenging the said conviction and sentence, the petitioner has preferred the revision before this Court.

49. The petitioner in Crl.R.C.No.1217 of 2008 is the accused in C.C.No.76 of 2001. The case of the prosecution is that the petitioner was working as Secretary of the Mallavadi Primary Agricultural Cooperative Society, during the period between 23.03.1993 and 14.04.1996. Whiles, the petitioner fraudulently misappropriated several amounts from several persons, by receiving the amounts from them and not making entries in the relevant records; by making false entries in the records as though the amounts have been disbursed to the relevant persons and by giving only part payment however made false entries in the records as though the entire amounts were paid to them. Hence, the petitioner was charged for the offence under Sections 409 and 477(A) (151 counts) of IPC by the Trial Court/ Judicial Magistrate Court No.2, Vellore.

50. The charges framed against the petitioner were explained and read over to him and when questioned about the same, he denied the charges. Hence, trial was proceeded against him. On the side of the prosecution 51 witnesses were examined as P.W.1 to P.W.51 and 124 documents were marked as exhibits Ex.P1 to Ex.P124. No

material object was marked. On the side of the accused no witness was examined and no document was marked.

51.After trial, the Trial Court convicted the petitioner for the offence under Sections 406 and 477(A) (1 count) of IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 406 of IPC and to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 477(A) of IPC. The sentences were ordered to run concurrently. The Trial Court further ordered that the sentence imposed on the petitioner in the present case and the sentences imposed on the petitioner in C.C.Nos.67 to 75 of 2001 to run concurrently.

52.Aggrieved by the said conviction and sentence, the petitioner preferred appeal in C.A.No.290 of 2007 before the learned Additional District cum Sessions Court, (Fast Track Court), Vellore. The lower Appellate Court dismissed the appeal and confirmed the order passed by the Trial Court. Challenging the said conviction and sentence, the petitioner has preferred the revision before this Court.

53.The petitioner in CrI.R.C.No.1218 of 2008 is the accused in C.C.No.75 of 2001. The case of the prosecution is that the petitioner was working as Secretary of the Mallavadi Primary Agricultural Cooperative Society, during the period between 23.03.1993 and 14.04.1996. While so, without the knowledge of one Ganesan, the petitioner fraudulently misappropriated a sum of Rs.4,000/- and made false entries in the records as though the amount has been disbursed to the said Ganesan. Hence, the petitioner was charged for the offence under Sections 409, 467, 471 and 477(A) of IPC by the Trial Court/ Judicial Magistrate Court No.2, Vellore.

54.The charges framed against the petitioner were explained and read over to him and when questioned about the same, he denied the charges. Hence, trial was proceeded against him. On the side of the prosecution 9 witnesses were examined as P.W.1 to P.W.9 and 25 documents were marked as exhibits Ex.P1 to Ex.P25. No material object was marked. On the side of the accused no witness was examined and no document was marked.

55.After trial, the Trial Court convicted the petitioner for the offence under Sections 406, 467, 471 and 477(A) of IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in

default to undergo one month simple imprisonment for the offence under Section 406 of IPC; to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 467 of IPC; to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 471 of IPC and to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 477(A) of IPC. The sentences were ordered to

run concurrently. The Trial Court further ordered that the sentence imposed on the petitioner in the present case and the sentences imposed on the petitioner in C.C.Nos.67 to 74 of 2001 to run concurrently.

56. Aggrieved by the said conviction and sentence, the petitioner preferred appeal in C.A.No.289 of 2007 before the learned Additional District cum Sessions Court, (Fast Track Court), Vellore. The lower Appellate Court dismissed the appeal and confirmed the order passed by the Trial Court. Challenging the said conviction and sentence, the petitioner has preferred the revision before this Court.

57. The petitioner in CrI.R.C.No.1219 of 2008 is the accused in C.C.No.71 of 2001. The case of the prosecution is that the petitioner was working as Secretary Incharge of the Mallavadi Primary Agricultural Cooperative Society, during the period between 13.10.1990 and 15.12.1992. Whiles, on 20.10.1992, he did not disburse the loan amount of Rs.2,750/- to one Mannu Naidu, however, recorded in the relevant documents as though the amount has been disbursed. As such, the petitioner has misappropriated the said sum. Hence, the petitioner was charged for the offence under Sections 409, 477(A) of IPC by the Trial Court/ Judicial Magistrate Court No.2, Vellore.

58. The charges framed against the petitioner were explained and read over to him and when questioned about the same, he denied the charges. Hence, trial was proceeded against him. On the side of the prosecution 6 witnesses were examined as P.W.1 to P.W.6 and 14 documents were marked as exhibits Ex.P1 to Ex.P14. No material object was marked. On the side of the accused no witness was examined and no document was marked.

59. After trial, the Trial Court convicted the petitioner for the offence under Sections 406, 477(A) of IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to

undergo one month simple imprisonment for the offence under Section 406 of IPC and to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 477(A) of IPC. The sentences were ordered to run concurrently. The Trial Court further ordered that the sentence imposed on the petitioner in the present case and the sentences imposed on the petitioner in C.C.Nos.67 to 70 of 2001 to run concurrently.

60. Aggrieved by the said conviction and sentence, the petitioner preferred appeal in C.A.No.285 of 2007 before the learned Additional District cum Sessions Court, (Fast Track Court), Vellore. The lower Appellate Court dismissed the appeal and confirmed the order passed by the Trial Court. Challenging the said conviction and sentence, the petitioner has preferred the revision before this Court.

61. The petitioner in Crl.R.C.No.1220 of 2008 is the second accused in C.C.No.69 of 2001. The case of the prosecution is that the petitioner was working in the Mallavadi Primary Agricultural Cooperative Society, as Senior Grade Clerk during the period between 20.11.1991 and 21.07.1992. Whiles, the petitioner has assisted the first accused in misappropriation of a sum of Rs.1,500/-. Hence, the petitioner was charged for the offence under Section 409 r/w.109 of IPC by the Trial Court/ Judicial Magistrate Court No.2, Vellore.

62. The charges framed against the petitioner were explained and read over to him and when questioned about the same, he denied the charges. Hence, trial was proceeded against him. On the side of the prosecution 7 witnesses were examined as P.W.1 to P.W.7 and 13 documents were marked as exhibits Ex.P1 to Ex.P13. No material object was marked. On the side of the accused no witness was examined and no document was marked.

63. After trial, the Trial Court convicted the petitioner for the offence under Section 406 of IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 406 of IPC. The Trial Court further ordered that the sentence imposed on the petitioner in the present case and the sentences imposed on the petitioner in C.C.Nos.67, 68 of 2001 to run concurrently.

64. Aggrieved by the said conviction and sentence, the petitioner preferred appeal in C.A.No.283 of 2007 before the learned Additional District cum Sessions Court, (Fast Track Court), Vellore. The lower Appellate Court dismissed

the appeal and confirmed the order passed by the Trial Court. Challenging the said conviction and sentence, the petitioner has preferred the revision before this Court.

65.The petitioner in CrI.R.C.No.1221 of 2008 is the second accused in C.C.No.67 of 2001. The case of the prosecution is that the petitioner was working in the Mallavadi Primary Agricultural Cooperative Society, as Clerk during the period between 06.02.1974 and 04.06.1989 and as Cashier during the period between 05.06.1989 and 08.10.1990. Whiles, though the petitioner's wife did not own any land obtained chitta and adangal from the Village Administrative Officer and gave to the first accused and as such, misappropriated a sum of Rs.2,395/-. Hence, the petitioner was charged for the offence under Section 409 r/w.109 of IPC by the Trial Court/ Judicial Magistrate Court No.2, Vellore.

66.The charges framed against the petitioner were explained and read over to him and when questioned about the same, he denied the charges. Hence, trial was proceeded against him. On the side of the prosecution 6 witnesses were examined as P.W.1 to P.W.6 and 15 documents were marked as exhibits Ex.P1 to Ex.P15. No material object was marked. On the side of the accused no witness was examined and no document was marked.

67.After trial, the Trial Court convicted the petitioner for the offence under Section 406 of IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 406 of IPC.

68.Agrieved by the said conviction and sentence, the petitioner preferred appeal in C.A.No.281 of 2007 before the learned Additional District cum Sessions Court, (Fast Track Court), Vellore. The lower Appellate Court dismissed the appeal and confirmed the order passed by the Trial Court. Challenging the said conviction and sentence, the petitioner has preferred the revision before this Court.

69.In all these revisions, the petitioner is one and the same namely, Sadasivam. The petitioner during his tenure as Clerk, Cashier, Senior Grade Clerk, Secretary Incharge and Secretary in the Mallavadi Primary Agricultural Cooperative Society, has misappropriated several amounts from several persons. Initially, the Registrar of Cooperative Societies ordered for preliminary enquiry for the loss caused to the Society. Thereafter, Enquiry Officer was appointed and enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act was conducted.

During enquiry, the statements of all the victims were recorded and they were forwarded to the Deputy Registrar. Thereafter, the Deputy Registrar lodged complaint before the first respondent Police. The first respondent Police, after completing investigation filed final report before the Trial Court. After trial, the petitioner was convicted and sentenced as stated supra.

70. When the revisions were taken up for hearing, the learned counsel appearing for the petitioner filed a memo dated 10.01.2019 signed by him as well as by the revision petitioner. The relevant portion of the memo reads as follows:

"1) It is most respectfully submitted that the Deputy Registrar of Cooperative Societies, Thiruvannamalai, vide letter dated 13.04.2018 in Na Ka 1250/1998 Sa Pa, has stated that the Revision petitioner should pay Rs.3,60,424.95/- only (Rupees Three Lakhs and Sixty Thousand Four Hundred and Twenty Four and Ninety five paise only) to the PACB, Mallavadi, Thiruvannamalai.

2) Due to prolonged mental agony, the Revision petitioner is suffering from various ailments on account of old age such as Eye sight problem, chronic Rheumatism/arthritis, heart problem & High blood pressure, he is unable to follow up the case and he agrees to pay the above said amount to the PACB, Mallavadi, Thiruvannamalai on or before 24.01.2019.

Therefore, the Revision Petitioner begs to consider his old age & physical ailments mentioned above, leniency may be shown while passing the orders and thus render justice."

71. The learned counsel appearing for the petitioner would submit that at present the petitioner is aged about more than 70 years and he is suffering from the age old ailments and he is not able to move from bed without the help of other persons. He would further submit that the petitioner is ready to pay the amount of Rs.3,60,424.95/- in favour of the Society on or before 24.01.2019. Hence, he prayed that without going into the merits of the cases,

leniency may be shown in favour of the petitioner.

72.The learned Government Advocate (Crl. Side) would submit that since the petitioner himself has come forward to pay the loss amount, this Court may consider and pass appropriate orders.

73.Heard the arguments advanced on either side and perused the materials available on record.

74.On a perusal of the entire records, including the evidence of P.Ws.1 to 6 and other documents relied upon by the prosecution, the same were considered by the lower Court as well as by the lower Appellate Court. It reveals that P.W.1 to P.W.4 are official witnesses and they sanctioned the departmental proceedings and approved the criminal complaint against the accused persons. P.W.5 is the crucial witness who clearly deposed that while he was working as Sub-Registrar at Chengam and he perused the entire documents in which it is revealed the lot of discrepancy in the amount, the share amount deposited in the Bank, share amount collected from the agriculturist were not deposited in the Banks and the loans were advanced when a person is not owning lands and the said loan amount was taken and prepared a bogus document as if the loans were sanctioned to the agricultural persons and the said amount was mis-appropriated by the Officials. On a perusal of the evidence of P.W.5 and other witnesses, this Court is also satisfied that the prosecution has proved the guilt on the accused beyond reasonable doubt.

75.I do not find any error in the orders passed by the Courts below. Hence, the conviction passed against the petitioner is confirmed. However, considering the passage of time and considering

the age old illness suffered by the petitioner and also taking note of the fact that the petitioner has voluntarily come forward to pay the loss amount in favour of the Society, this Court is inclined to modify the sentence imposed on the petitioner. Accordingly, the sentence of imprisonment imposed against the petitioner is reduced from 1 year rigorous imprisonment to 1 month simple imprisonment. The fine amount is confirmed. The petitioner shall pay the entire fine amount in default shall undergo one week simple imprisonment. Further, the petitioner shall pay a sum of Rs.3,60,424.95/- (Rupees Three Lakhs Sixty Thousand Four Hundred and Twenty Four and Ninety Five Paise only) before the Mallavadi Primary Agricultural Cooperative Society, Thiruvannamalai/ second respondent on or before 24.01.2019 and shall file a memo before the Trial Court. The petitioner is further

directed to surrender before the Trial Court i.e., Judicial Magistrate Court No.2, Vellore, within a period of 15 days from the date of receipt of a copy of this order and serve the above sentence.

76.In the event of the petitioner failing to pay the amount of Rs.3,60,424.95/- before the Mallavadi Primary Agricultural Cooperative Society, Thiruvannamalai/ second respondent on or before 15.02.2019, the sentence imposed on the petitioner by the Trial Court and confirmed by the lower Appellate Court shall stand restored.

77.Accordingly, these criminal revisions are partly allowed. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

To

- 1.The Additional District cum Sessions Court,
(Fast Track Court), Vellore.
- 2.The Judicial Magistrate Court No.2, Vellore.
- 3.The Sub Inspector of Police
C.C.I.W.C.I.D. Thiruvannamalai.
- 4.The Special Officer,
Mallavadi Primary Agricultural
Cooperative Society, Thiruvannamalai.
- 5.The Chief Judicial Magistrate , Vellore
- 6.The District Collector ,Vellore District.
- 7.The Disrector Genereal of Police ,Mylapore, Chennai. 4
- 8 The Public Prosecutor, High Court ,Madras.
9. The section officer,
Criminal Section,High court,Madras

CrI.R.C.Nos.1204, 1205, 1206,
1207, 1208, 1210, 1211, 1212, 1213, 1214, 1215, 1216,
1217, 1218, 1219, 1220 and 1221 of 2008

A.SK(29/01/2019)