

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8671 of 2016
and Crl.M.P.Nos.4527 & 4528 of 2016

Saraswathi

.. Petitioner

Vs

1. State rep. by
Inspector of Police,
District Crime Branch,
Cuddalore District.

2. Krishnamoorthy Sugumar

.. Respondents

Prayer:

Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in connection with C.C.No.93 of 2014 dated 19.08.2014 on the file of the learned Judicial Magistrate, No.1, Vridhachalam, Cuddalore District and quash the same as against the petitioner.

For Petitioner : Mr.S.Saravana Kumar

For R1 : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

For R2 : No Appearance

O R D E R

This Criminal Original Petition has been filed to call for the records in connection with C.C.No.93 of 2014 dated 19.08.2014 on the file of the learned Judicial Magistrate, No.1, Vridhachalam, Cuddalore District and quash the same as against the petitioner.

2. Heard Mr.S.Saravana Kumar, learned counsel appearing for the petitioner, Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents police.

3. It is seen from the records the 1st accused was working as Superintendent from 23.11.2003 to 30.11.2008 at Vellaru Basing Division, Vridhachalam. He retired from service and after his retirement he had not handed over the charge to his successor. It is alleged in the charge sheet that the registers pertaining to the documents of deed and the documents pertaining to the retirement benefits and bank demand draft were unauthorizedly kept in the house of the 1st accused and the same were hidden by the petitioner herein to get more retirement benefits. It is seen that the 2nd accused is the wife of the 1st accused. Even from the charge, it is seen that, the 1st accused has only taken the records from the office premises and he had only not handed over the same to his successor.

4. Therefore, this Court is of the view that, the petitioner has no role to play as alleged by the prosecution. Further, it is also seen that there is no material to prove the charges as against the petitioner. Therefore, there is no chance of conviction for the petitioner and the petitioner need not undergo the ordeal of trial.

5. Considering the facts and circumstances of the case, the entire proceedings as against the petitioner cannot be sustained. Therefore, the proceedings in C.C.No.93 of 2014 dated 19.08.2014 on the file of the learned Judicial Magistrate, No.1, Vridhachalam, Cuddalore District is quashed as against the petitioner. Considering the fact that the Calendar Case is of the year 2014, the trial Court is directed to complete the trial in C.C.No.93 of 2014 as against the 1st accused, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते Sd/-

Assistant Registrar(CS IV)

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WEB COPY Sub Assistant Registrar

ssr

To

1. The Judicial Magistrate-I,
Vridhachalam.

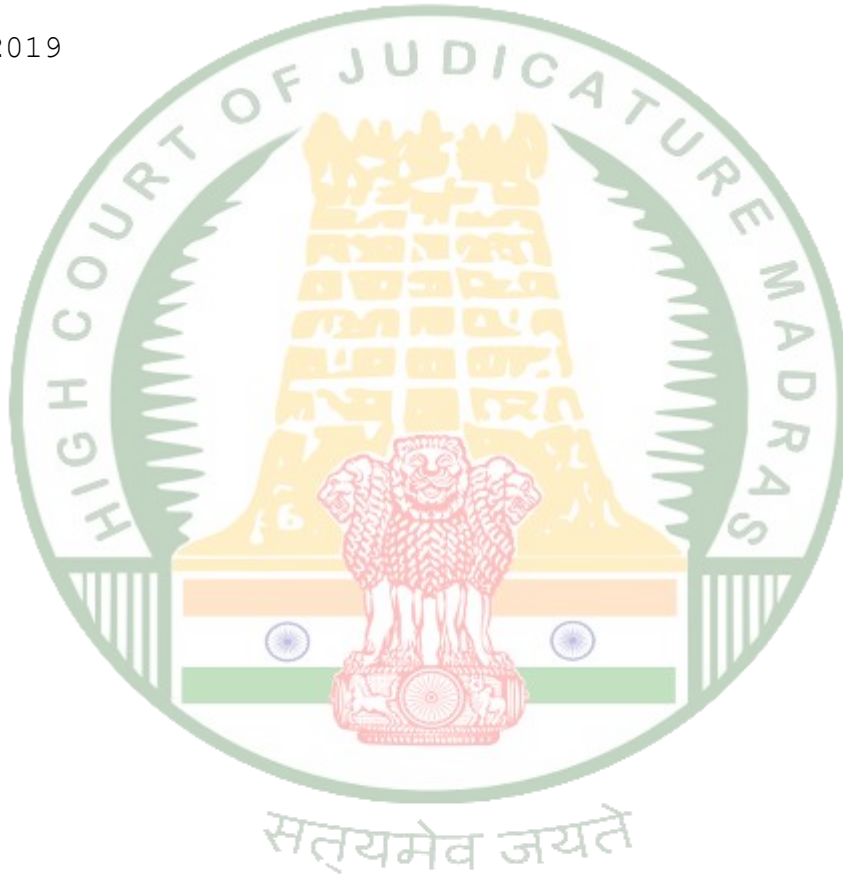
2. The Inspector of Police,
District Crime Branch,
Cuddalore District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Saravana Kumar, Advocate, S.R.No.28922

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and Crl.M.P.Nos. 4527 & 4528 of 2016

RGN(CO)
CS/16/04/2019



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