

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.15304 of 2019
and
Crl.M.P.Nos.7471 and 7472 of 2019

Amirthalingam ... Petitioner

Vs.

State by,

1.The Inspector of Police,
Civil Supplies CID, Villupuram,
Villupuram District.
Cr.No.80/2017.

2.The Taluk Supply Officer,
Ulundurpet, Villupuram District. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the entire records concerned in C.C.No.244 of 2018 on the file of the Judicial Magistrate-I, Villupuram, Villupuram District and quash the same in so far as the Petitioner is concerned.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed challenging the proceedings before the Court below pending in C.C.No.244 of 2018.

2.The respondent police have filed a final report before the Court below against 2 accused persons for an offence under Sections 6(3) & 6(4) of TNSC (RDCS) Order 1982 r/w.7(1)(a)(ii) of E.C.Act. The petitioner has been added as A1.

3.The learned counsel for the petitioner submitted that already a detailed domestic enquiry was conducted by an officer appointed by the Co-operative Society and he has given a report dated 07.11.2018 wherein it was found that there are no materials to sustain the charges against the petitioner. The learned counsel further submitted that based on the materials collected by the respondent police in the course of investigation, no offence has been made out against the petitioner and therefore the proceedings will have to be interfered with by this Court.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent submitted that there are sufficient materials to frame charges against the petitioner and just because the enquiry officer appointed by the Co-operative Society has given a finding that there is no evidence against the petitioner, that by itself cannot be a ground to quash the criminal proceedings and at the best the same can also form part of the trial and the Court below can take the same into consideration at the time of passing of final judgment.

5.This Court has carefully considered the submissions made on either side and also the materials available on record.

6.This Court is of the considered view that there are prima facie materials to proceed to frame charges against the accused persons. The test that has been laid by the Hon'ble Supreme Court is that even a strong suspicion is enough to frame charges against the accused persons based on some materials and it is not necessary that it must be to the extent of seeking for a conviction of the accused persons.

7.The petitioner is at liberty to raise all the grounds before the Court below and place all the materials and it is left open to the Court below to consider the same on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings at this stage.

8.The learned counsel for the petitioner requested this Court to dispense with the appearance of the petitioner. Taking

into consideration the facts and circumstances of the case, the presence of the petitioner shall be dispensed with and he shall be represented by a counsel before the Court below. The counsel representing the petitioner shall cross examine the witnesses on the same day, they are examined in chief and the petitioner shall not dispute the identity of witnesses. The petitioner shall be present before the Court below at the time of questioning under Section 313 of Cr.P.C. and at the time of passing of the final judgment.

9.The Court below is directed to complete the proceedings in C.C.No.244 of 2018 within a period of four months from the date of receipt of the copy of this order.

10.This Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Chief Judicial Magistrate,
Vellupuram.
- 2.The Judicial Magistrate-I,
Villupuram, Villupuram District.
- 3.The Inspector of Police,
Civil Supplies CID, Villupuram,
Villupuram District.
Cr.No.80/2017.
- 4.The Taluk Supply Officer,
Ulundurpet, Villupuram District.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prakasam, Advocate Sr.49726

CrI.O.P.No.15304 of 2019
and

CrI.M.P.Nos.7471 and 7472 of 2019

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srg 04/07/2019