

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos. 26956, 26958 and 26960 of 2018
and Crl.MP. Nos. 15559 to 15564 of 2018

1. M. Saravanan

..Petitioner in Crl.OP.No.26956/2018

2. A. Paneerselvam

..Petitioner in Crl.OP.No.26958/2018

3. V.Chellamuthu

..Petitioner in Crl.OP.No.26960/2018

Vs.

1. The State represented by
Deputy Superintendent of Police,
CCIWCD, Villupuram,
Villupuram Sub Division.
(Cr.No. 1/2010)

2. The Deputy Registrar of Cooperative Societies,
Cuddalore Circle,
Cuddalore. ..Respondents in all Crl.OPs

COMMON PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. praying to call for the entire records concerned in C.C. No. 52/2011 on the file of the Judicial Magistrate-I, Cuddalore District and quash the same.

For Petitioners : M/s.K.P. Narayanakumar

For Respondents : Mr.M. Mohammed Riyas

Additional Public Prosecutor

COMMON ORDER

The prayer in the present petition is to to call for the entire records concerned in C.C. No. 52/2011 on the file of the Judicial Magistrate-I, Cuddalore District and quash the same.

2. The case of the petitioners is that the 1st respondent has originally registered a case against the petitioners in Cr. No. 1/2010 on the basis of the complaint lodged by the second respondent with regard some mis-appropriation in disbursing the short term middle loans to members of the Vellakarai PACB between 1999 to 2007 i.e. during period while the petitioners were functioning as Village Administrative Officers. After investigation, final report was submitted before the jurisdictional court and the same was taken on file by the learned Judicial Magistrate No.I, Cudalore in C.C. No. 52 /2011 for the offences punishable under Section 120(b), 466, 468, 471, 477(A), 408, 420 r/w 109 IPC but the respondent police specified offences against the petitioners under Section 120(b), 466, 468, 420 IPC. Hence, file these petitions to quash the proceedings pending against them before the trial Court.

3. On a perusal of the charge sheet, it is seen that totally 26 accused were charged for the offences of misappropriation to the tune of Rs.56,57,020/- while disbursing the short term and middle term loans to the members of the Society. Out of the above 26 Accused, the petitioners herein are ranked as accused 14, 11 and 17 respectively.

4. Though, it is submitted by the learned counsel for the petitioner that the allegation leveled against the petitioners herein are vague in nature, this Court finds some incriminating evidence to attract the charges levelled against the petitioners. Hence this Court is not inclined to quash the proceedings pending against the petitioners before the trial Court and accordingly and dismissed these petitions.

5. In view of the fact that the petitioners are now retired from their service and aged more than 60 years, their personal appearance before the learned Judicial Magistrate No.I, Cuddalore in respect of case in C.C. No. 52 of 2011 is dispensed with except their presence insisted by the trial court and also by taking into account of the fact that the case is pending from the year 2011 onwards, it would be appropriate to fix up the time limit for disposal of the case.

6. Accordingly, the learned Judicial Magistrate No.I, Cuddalore is directed to expedite the trial in C.C. No.52 of 2011 and complete the same within a period of six months from the date of receipt of a copy of this order.

With the above observations and directions, these Criminal Original Petitions stand dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar
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To

1. The State represented by
Deputy Superintendent of Police,
CCIWCID, Villupuram,
Villupuram Sub Division.
(Cr.No. 1/2010)
2. The Deputy Registrar of Cooperative Societies,
Cuddalore Circle,
Cuddalore.
- 3.The Judicial Magistrate-I,
Cuddalore.
4. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.Nos. 26956, 26958
and 26960 of 2018
and

Cr1.MP. Nos. 15559 to
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