



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

CRL.O.P. (MD) No.4647 of 2019

and

CrI.M.P. (MD) .Nos.2852 & 2853 of 2019

R.Manoharan

: Petitioner / Sole Accused

-Vs-

1. The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
(Crime No.38 of 2012)

: 1st Respondent / Complainant

2. J.Ashok,
Branch Manager,
State Bank of India,
Papanasam Branch,
Thanjavur District.

: 2nd Respondent / De facto complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the proceedings in C.C.No.17 of 2015, on the file of the learned Judicial Magistrate, Papanasam, Thanjavur District and quash the same.

For Petitioner	: Mr.K.M.Karunakaran
For R-1	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Crl. Side)

O R D E R

The present petition is filed to quash the proceedings in C.C.No.17 of 2015, on the file of the learned Judicial Magistrate, Papanasam, Thanjavur District.

2. The accused in this case, a Bank official in a Nationalized Bank, faces trial for offences under Sections 406 and 409 I.P.C. The core accusation of the petitioner is that he has committed criminal breach of trust of the Bank's money. The complainant also states that the petitioner has repaid the amount yet the offence is still made out.

3. The learned counsel appearing for the petitioner made a valiant attempt to convince this Court that the petitioner is innocent, and at the end of the day even the offence is compoundable with the leave of the Court. Therefore, even on the face of it, no case could be registered, there is no loss to the Bank, presuming allegation in the complaint is true,. He also added that the petitioner is 58 years.



4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the first respondent.

5. This Court finds that the prima facie materials made available by the Investigating Agency are adequate enough to frame charges and to try the accused for offences charged with. This Court is not convinced with the submissions made by the petitioner. Since the matter is pending from 2015, this Court directs the learned Judicial Magistrate, Papanasam, to expedite the process of trial and dispose of the case within a period of six months from the date of receipt of a copy of this order. The petitioner shall appear before the Court on all dates on which the case is taken up for trial. On other dates, where the case is posted formally by the trial Court his presence is dispensed with.

6. In view of the above, the Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petitions are closed.

sd/
Assistant Registrar(crl. side)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Papanasam, Thanjavur District
2. The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.K.M.KARUNAKARAN, Advocate (SR-58658[F] dated 03/04/2019)

Order made in
CRL.O.P.(MD) No.4647 of 2019
Dated: 03.04.2019

tsg
MK/KK (06.05.2019) 2P 5C