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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.8823 of 2015

and

M.P.(MD)Nos.1 and 2 of 2015

1.T.Abdul Shed

2.N.Langthanabanu

3.S.Rahamathnisha Begum

... Petitioners/Accused 3,4,5

Vs

1.The State of Tamil Nadu
rep. by its,
Inspector of Police,
C.C.I.W., Police Station,
Theni District.
(Cr.No.1 of 2008)

...Respondent/Complainant

2.Palaneeswari
Sub Registrar,
Periyakulam,
Theni District.

... Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to the proceedings in C.C.No.138 of 2008 on the file of the Judicial Magistrate No.III, Madurai and quash the same.

For Petitioners : Mr.R.Surianarayanan

For R1 & R2 : Mr.A.Robinson
Government Advocate (Crl.side)

ORDER

The petitioners are facing trial in C.C.No.138 of 2008 on the file of the Judicial Magistrate No.III, Madurai, for the offences under Sections 420, 465 and 120(B) r/w 109 of IPC. To quash the same, this criminal original petition has been filed.

2. The case of the prosecution is that the petitioners herein had availed loan from the TIIC by offering the property in question as a collateral security. Thereafter, the petitioners made it appear as if they had leased out the property in question



in favour of A1. They also made it appear as if the an unit is running in the property in question.

3. According to the prosecution, no such unit was in operation. The defacto complainant-Agricultural Primary Co-operative Society was led to believe that the processing unit was functioning in the property. Encumbrance earlier created with TIIC was also suppressed. Since these allegations have been made against the petitioners, the innocence of the petitioners will have to be necessarily established only in a regular trial. Hence, the criminal original petition stands dismissed. However, the personal appearance of the petitioners is dispensed with.

4.The learned trial Magistrate shall insist on the personal appearance of the petitioners only when it is absolutely necessary and imperative. The petitioners shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioners can be represented through their counsel. It is made clear that this Court has not gone into the merits of the matter. All the contentions and defences are left open. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

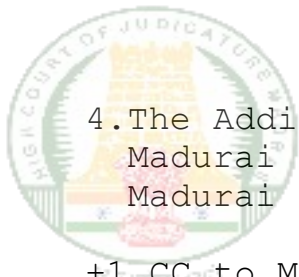
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To

1.The Judicial Magistrate No.III, Madurai

2.The Inspector of Police,
C.C.I.W., Police Station,
Theni District.
(Cr.No.1 of 2008)

3.Palaneeswari
Sub Registrar,
Periyakulam,
Theni District.



4.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai

+1 CC to M/s.R.SURIYA NARAYANAN, Advocate (SR-91483[F] dated
04/10/2019)

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KM/ (17.18.2019) 3P 6C