



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2019

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**Cr1.R.C.(MD)No.264 of 2011

Tamilneethi

.. Petitioner/Accused No.3

Vs.

State rep. by,  
The Inspector of Police,  
C.C.I.W.,  
Madurai City Police Station,  
(Crime No.8 of 1994).

.. Respondent/Complainant

**Prayer :** This Criminal Revision petition is filed under Section 397 r/w 401 of Cr.P.C., against the Judgment of conviction affirmed by the learned Additional Sessions Judge cum Fast Track Court No.3, Madurai, in C.A.No.14 of 2009, dated 21.07.2010 against C.C.No.125 of 1995 on the file of the learned Judicial Magistrate No.3, Madurai, dated 20.01.2009.

|                |                                                             |
|----------------|-------------------------------------------------------------|
| For Petitioner | : Mr.P.Andiraj                                              |
| For Respondent | : Mr.A.Robinson,<br>Government Advocate<br>(Criminal Side). |

**ORDER**

The petitioner was the Special Officer of K.Pudur Primary Agricultural Co-operative Bank during the relevant period, i.e. on 10.03.1988 to 09.01.1990. During this period, the funds of the society were misappropriated to the tune of Rs.1,69,000/-. In this regard, Crime No.8 of 1994 was registered on the file of the Inspector of Police, Madurai City police station. Investigation was undertaken and final report was filed against Chinnaraj and Subramanian. Cognizance was taken for the offences under Sections 408, 467 and 477 r/w 34 of I.P.C. The original accused pleaded not guilty of the charges and claimed to be tried. The prosecution examined 9 witnesses and marked Ex.P.1 to Ex.P.33. When P.W.4 Officer who conducted investigation under Section 81 of the Tamil Nadu Co-operative Societies Act was examined, he spoke about the omission on the part of the petitioner herein. Therefore, invoking Section 319 of Cr.P.C., the petitioner also got roped in three cases. The learned trial Magistrate found the petitioner guilty of the offences with which he was charged and sentenced him to imprisonment till rising of the Court. He was levied with a fine of Rs.2,000/- on each count and the same was confirmed by the first appellate Court in C.A.No.14 of 2009 vide Judgment dated



21.07.2010. Challenging the same, the Criminal Revision has been filed.

2. Heard the learned counsel on either side.

3. As rightly contended by the learned counsel appearing for the petitioner, the petitioner was only the Special Officer of the bank in question. The evidence available before this Court would indicate that it was only Chinnaraj who had played the primary role in misappropriating the amount in question. There is nothing on record to connect the petitioner with the acts of misappropriation. Of course as contended by the learned Government Advocate, the petitioner who is the Special Officer did have a duty to effectively supervise and ensure that no misappropriation took place. May be the petitioner was guilty of negligence and lack of supervision. But then, that would not attract the provisions of I.P.C.

4. I am of the view that there is no material to connect the petitioner with the acts of misappropriation or falsification of records. The Courts below were not justified in rendering the finding of guilt against the petitioner herein.

5. In this view of the matter, the Judgments passed by the the Courts below are set aside in so far as the petitioner is concerned. The Criminal Revision stands allowed, accordingly. The bail bond, if any, executed by him shall stand cancelled and fine amount, if any, paid by him, is to be repaid to him.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

pmu  
To

1. The Additional Sessions Judge(FTC-III), Madurai.
2. The Judicial Magistrate No.III, Madurai.
3. The Inspector of Police, C.C.I.W.,  
Madurai City Police Station.
4. The Section Officer, Criminal Section,  
Madurai Bench of Madras High Court,  
Madurai.(2 COPIES)



5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

WEB COPY

Crl. R.C. (MD) No. 692 of 2010  
26.06.2019

MR (CO)

TR (29.08.2019) 3P 7C