

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2020

CORAM :

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl. R.C.No.1142 of 2017

and

Crl.M.P.Nos.10840 and 10841 of 2017

Aneesh

...Petitioner

.Vs.

1. The Inspector of Police,
Avinashi Police Station,
Tirupur District.
Crime No: 4328/2010
2. Shanmugam
3. The Inspector of Police,
Anti Land Grabbing Cell, Tiruppur,
(R3 is impleaded as per order of this Court dated
05.09.2017 and made in Crl.R.C.1142 of 2017 and
Crl.M.P.Nos.10840 and 10841 of 2017) ...Respondents

Prayer: The Criminal Revision petition is filed under Section 397 and 401 of Cr.P.C to set aside the order passed in Crl.M.P.No.7601 of 2015 dated 13.06.2017 on the file of the Judicial Magistrate, Avinashi.

For Petitioner :Mr. Vignesh for Mr.C.S. Saravanan

For Respondent :Mr. K. Madhan
Government Advocate(Crl Side)

For Respondent -2: Mr.C. Anbu for R2

ORDER

This Criminal Revision petition is directed against the order passed in Crl.M.P.No.7601 of 2015 dated 13.06.2017 in C.C.No.84 of 2014 on the file of the Judicial Magistrate, Avinashi.

2. This petition was filed U/s 239 of Cr.P.C for discharging the petitioner, who is the 5th accused in the case. It is seen that the petitioner along with others has been charged U/s 419,467,468 and 471 read with Section 34 of I.P.C. The

petitioner's case is that he was a document writer and his duty was to prepare the documents as per the instructions given by the parties. He has no connection whatsoever in the alleged offence said to have been committed by the other accused in this case. Therefore, he filed a petition U/s 239 of Cr.P.C for discharge.

3. It is seen from the submissions made by the learned public prosecutor and also the second respondent who is the defacto complainant in this case that A1 impersonated him and got general power of attorney in his name. On the basis of the general power of attorney A1 executed a sale agreement in the name of the second respondent in this case. A3 and A4 are the witnesses to the documents and A5 is the document writer. Subsequently, the sale agreement was cancelled and the first accused entered a lease agreement with a third party. A1 to A5 actively conspired and created false documents setting up title in the name of A1. Therefore, there is a prima facie case made out to frame charges against all the accused and prayed for dismissal of this petition.

4. The learned counsel for the petitioner tried to convince the Court that there is no prima facie case made out against the petitioner to frame charges under Section 419, 467 468 and 471 r/w 34 of I.P.C. He further submitted that he is now prepared to face trial. None of the other material documents like 161 statements of witnesses had been placed before this Court for appreciation. In the absence of 161 statements of witnesses and other materials produced before Trial Court, this Court is not in a position to appreciate the contention made by the learned counsel for the petitioner.

5. However, in view of the submissions made by the learned counsel for the petitioner that the petitioner is prepared to face trial, this Court is of the considered view that it is not necessary to pass orders on merits in this criminal revision petition. Therefore, this petition is dismissed with a direction to the learned Magistrate, Avanashi to dispose the case within a period of 3 months from the date of receipt of a copy of this order. Ordered accordingly. Consequently the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

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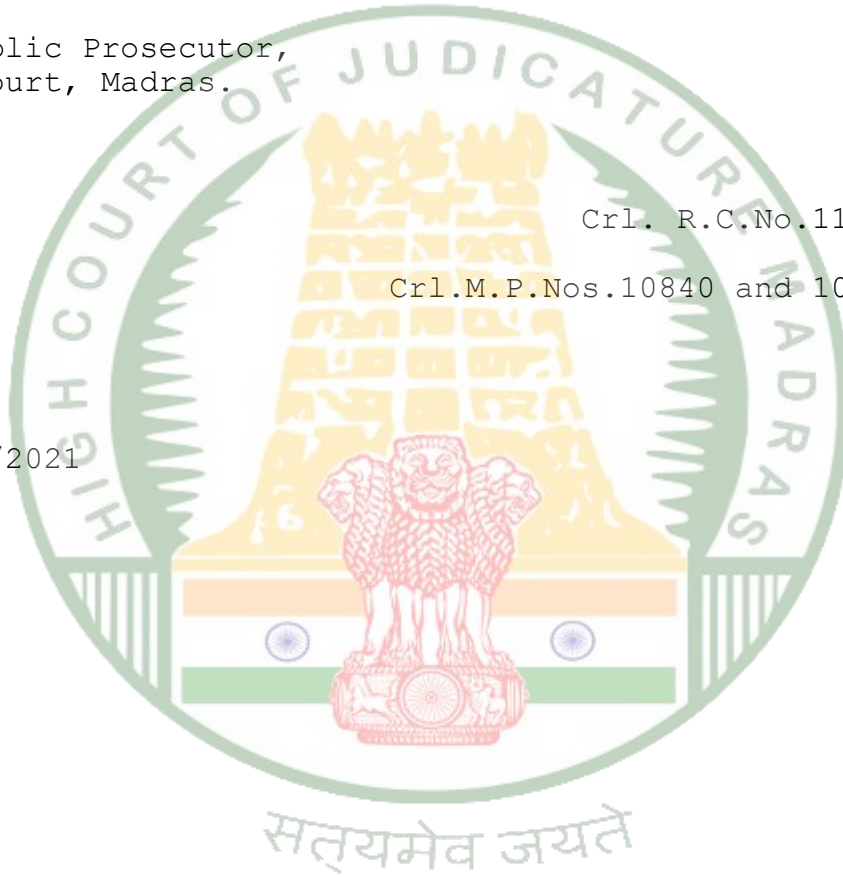
Sub Assistant Registrar

To

1. The Judicial Magistrate,
Avinashi.
2. The Inspector of Police,
Avinashi Police Station, Tirupur District.
3. The Inspector of Police,
Anti Land Grabbing Cell, Tiruppur.
4. The Public Prosecutor,
High Court, Madras.

Crl. R.C.No.1142 of 2017
and
Crl.M.P.Nos.10840 and 10841 of 2017

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