



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 28.09.2020

Delivered on : 09 .10.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.423 of 2020

WEB COPY

Gopalakrishnan

.. Petitioner

Vs.

State represented by,
The Inspector of Police,
Vasudevanallur Police Station,
Vasudevanallur,
Tenkasi District.
Crime No.73/2010

.. Respondent

Prayer : This Revision Case is filed under Sections 397 (1) read with Section 407 of Cr.P.C., to call for the records from the lower Court and set aside the order passed in Crl.M.P.No.3265 of 2019, dated 24.02.2020, in C.C.No.55 of 2013, on the file of the Additional District Munsif cum Judicial Magistrate, Sivagiri, Tenkasi District, by discharging the revision petitioner.

For Petitioner : Mr.V.Kathir Velu
Senior Counsel
for Mr.K.Prabhu

For Respondent : Mr.K.Dinesh Babu
Additional Public Prosecutor

ORDER

This revision has been filed to set aside the order passed in Crl.M.P.No.3265 of 2019, dated 24.02.2020, in C.C.No.55 of 2013, on the file of the Additional District Munsif cum Judicial Magistrate, Sivagiri, Tenkasi District.

2. The case as per the charge sheet is that during the period of 2007-2009, the Panchayat president / A1, vice president/A2 Panchayat official /A3, Block Development Officer/A5, Assistant Engineer /A6 and Supervisor/A7, misused their official capacity and without constructing a house, they sanctioned money in the name of A4 with an intention to misappropriate the amount. A1 to A3 misappropriated a sum of Rs.44,735/- and the other accused cooperated for the misappropriation. The Contractor by name, Samudhram, was sanctioned various amount by A1 and A2. A1, A2, A3 and A4 misappropriated Rs.1,75,806/- and the accused Nos.5 to 7 cooperated for the same. A8 with a motive to help them, refused to handover original document before the investigating officer. A case was registered against the accused in Crime No.73



of 2010 by the Vasuthevanallur police. The petitioner filed a petition for discharge in Cr.M.P.No.3265 of 2019 in C.C.No.55 of 2013 and the same was dismissed by the trial Court. Against which, the petitioner preferred this Criminal Revision.

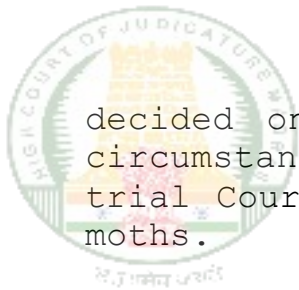
3. On the side of the petitioner, it is stated that the only allegation against the petitioner is that he refused to hand over the original document. The offence was said to have been committed in the year 2007- 2009. The petitioner herein has joined only on 18.05.2012 and he served in the particular place only for a period of six months, i.e., up to 14.08.2012, the petitioner was wrongly roped into the case. The petitioner cannot be impleaded in a case of the year 2008. The allegation against the petitioner is not clear, and is groundless. There is no ground sufficient enough to file a charge sheet against the petitioner and prayed the petition to be allowed and the petitioner is to be discharged from the other charges.

4. On the side of the prosecution, it is stated that the petitioner has filed a petition to quash the charge sheet under Section 482 Cr.P.C. in Crl.O.P.(MD)No.17576 of 2014 and that petition was dismissed on 24.05.2018. Co-accused also filed a quash petition in Crl.O.P(MD)No.18740 of 2015 and the same was also dismissed. The fourth accused, without constructing any house, has received monitory benefits with the help of the other accused, as if he constructed a new house. A1 to A4 swindled Rs.1,75,860/- with the help of A5 to A7. There is a specific overt act against the petitioner. The petitioner failed to furnish the original documents before the authorities. There is no illegality in the trial proceedings and prayed the petition to be dismissed.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The allegation against the petitioner is that the petitioner failed to cooperate the authorities for taking proceedings against A1 to A7 and that the petitioner refused to handover the original documents before the authorities with an intention to help A1 to A7. In the revision, the petitioner has raised objection under Section 108 Cr.P.C, but, the petitioner failed to raise the objection before the trial Court. The allegation against the petitioner cannot be separated from the allegation against the other accused. It is seen that the petitioner has already filed a petition to quash the proceeding, and that petition was dismissed by this Court.

7. Whether the petitioner is having intention to conceal the original documents to help the Accused Nos.1 to 7 can be



decided only after the completion of the trial. In the above circumstances, this Criminal Revision Case is dismissed. The trial Court is directed to dispose the case within a period four months.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

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Sub Assistant Registrar (CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Additional District Munsif cum
Judicial Magistrate, Sivagiri,
Tenkasi District,
- 2.Do Through:
The Chief Judicial Magistrate,
Tenkasi.
3. The Inspector of Police,
Vasudevanallur Police Station,
Vasudevanallur,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

order made in
Crl. R.C.(MD)No.423 of 2020
09.10.2020

NS (CO)

KM (16.10.2020) 3P 5C