



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 26.03.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.91 of 2021
and
Crl.M.P.(MD)No.1108 of 2021

Shanmugam .. Petitioner/Sole Accused
Vs.

The State represented by the,
The Sub-Inspector of Police,
CBCID,
Thanjavur District.
(Crime No.1 of 2009) .. Respondent/Complainant

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the entire records pertaining to the order passed by the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District in Crl.M.P.No.2690 of 2018 in C.C.No.1 of 2011 vide order dated 12.10.2020 and to set aside the same and thereby the petitioners may be discharged from the charges leveled in the above said case.

For Petitioner : Mr.P.Maharaja
For Respondent : Mrs.S.Bharathi
Government Advocate (Crl. Side)

ORDER

This petition has been filed to set aside the order passed in Crl.M.P.No.2690 of 2018 dated 12.10.2020, on the file of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District.

2.The allegation against the petitioner is that the petitioner is a PWD contractor. He was given the work of construction on Tsunami Rehabilitation. He produced fake bank guarantee of Union Bank of India, Thanjavur branch for a sum of Rs.19,000/- (Rupees Nineteen Thousand only) The manager on knowing about the fake bank guarantee, addressed the same to the Collector on 24.02.2019. A case was registered against the petitioner in Crime No.1 of 2009 and later the case was taken on file as C.C.No.1 of 2011 on the file of the learned Judicial Magistrate, Thiruvaiyaru. The petitioner has filed a petition in Crl.M.P.No.2690 of 2018 to discharge the petitioner from the charges. That petition was dismissed by the trial Court on 12.10.2020. Against the same, the



petitioner has preferred this Criminal Revision Case.

3.On the side of the petitioner, it is stated that the petitioner is a contractor. The Tsunami rehabilitation construction work was almost completed. Only for 5 % work, the bank guarantee was given. The bank officer has not filed the complaint. There is no mistake on the part of the petitioner. The petitioner has filed a civil case against the bank and the Government. The Public Work Department is not engaging the petitioner for any other work. The amount due for the petitioner was stopped by the Government and prayed the petitioner to be discharged from the charges.

4.On the side of the respondent, it is stated that the Joint Director, District Project Implementation Unit(Tsunami) is the complainant. The bank security papers are forged by the petitioner. The report of the Canara Bank was already received by the respondent. The bank employees were cited as witnesses. Similar cases in C.C.Nos.10, 11, 12 of 2018 were also pending before the trial Court. Those case are pending trial and prayed the petition to be dismissed.

5.It is seen that the allegation against the petitioner is serious in nature. The allegation of fake documents requires a detailed enquiry.

6.In the above circumstances, there is nothing sufficient enough to interfere in the order passed by the trial Court. Hence, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mrn

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 Judicial Magistrate, Thiruvaiyaru.



2.The Sub-Inspector of Police,
CBCID,
Thanjavur District.

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

Crl. R.C. (MD) No.91 of 2021
26.03.2021

SGS (CO)
TR(10.06.2021) 3P 4C