



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Dated : **25.02.2021**

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P. (MD)No.3048 of 2021

WEB COPY

R.Murugesan

: Petitioner

Vs.

The State rep. by
The Inspector of Police,
CCIW-CID, Thanjavur,
Thanjavur District.
(Crime No.03/2020)

: Respondent

PRAYER :- Petition is filed under Section 439(1)(b) r/w Section 482 of the Code of Criminal Procedure praying to call for the entire records relating to the order passed in Cr.M.P.No.601 of 2021 dated 11.02.2021, passed by the learned District Sessions Judge, Thanjavur and modify the condition imposed therein.

For Petitioner : Mr.T.Senthil Kumar

For Respondent : Mr.M.V.Chandrasekaran

Government Advocate (Crl.Side)

ORDER

The present petition has been filed to modify the condition imposed by the learned District Sessions Judge, Thanjavur, vide order, dated 11.02.2021 made in Cr.M.P.No.601 of 2021.

2.The petitioner/accused is a former Secretary in Mavadukurichi Primary Agricultural Cooperative Society during the period 01.04.2017 to 31.07.2018. The petitioner had received pay advance and paid legal fees to the senior counsel without any approval order and misappropriated to the tune of Rs.3,95,636/- to the society by way of non accounting of remittance made by the jewel loan account holder. Due to which, the petitioner was arrested and remanded to judicial custody from 29.12.2020 and thereafter, the petitioner had filed a bail petition before the Principal Sessions Judge, Thanjavur in Cr.M.P.No.601 of 2021 and the same has been granted to the petitioner with the conditions and one of the condition is that the petitioner has to deposit a sum of Rs.1,55,000/- to the credit of Crime No.3 of 2020.

3.On a perusal of the enquiry report, it is revealed that the petitioner had paid legal fee to the Senior counsel in Madras High Court through cheques and approval is yet to be obtained with regard to the salary advance instead of monthly salary from 17.08.2017 to 16.08.2018 of Rs.1,72,636/- . Further the petitioner had received loan amount of Rs.19,000/- from Tamilselvi and Rs.60,000/- from Murugesan have not been accounted them. The payment of the legal fee and receiving of salary both are appropriate only approval has to



be obtained as regards the loan amount of Tamilselvi and Murugesan. According to the petitioner, the amount has been properly accounted, it is disputed. Further, though the petitioner was granted bail on 11.02.2021, the petitioner was unable to execute sureties and deposit the money and come out on bail.

4. Heard the learned Government Advocate (Criminal side) appearing for the respondent police also.

5. Considering the facts and circumstances of the case and also considering the gravity of the offence, this Court is inclined to modify the condition. The petitioner though granted bail on 11.02.2021, the petitioner is yet to comply with the condition and come out on bail. With regard to the payment of legal fee and receipt of salary advance, it is only procedural lapses. Accordingly, the condition stands modified to the effect that the petitioner is directed to deposit a part sum of Rs.79,000/- being the loan defrauded amount to the credit of Crime No.3 of 2020 before the concerned Judicial Magistrate. The other conditions imposed by the learned District Sessions Judge, Thanjavur, vide order dated 11.02.2021 made in Cr.M.P.No.601 of 2021, stand unaltered. The payment of Rs.79,000/- before the trial Court is subject to the outcome of the case and without prejudice to the rights of the petitioners.

6. This Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

vsg

To

1.The Judicial Magistrate, Pattukkottai.

2.The Chief Judicial Magistrate,
Thanjavur at Kumbakonam.

3.The District Sessions Judge,
Thanjavur.



4.The Inspector of Police,
CCIW-CID, Thanjavur,
Thanjavur District.

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

+1 CC to M/s.T.SENTHIL KUMAR, Advocate (SR-7142[F] dated 25/02/2021
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Order made in
CRL.O.P. (MD) . No.3048 of 2021
Dated : 25.02.2021

NS (CO)
KK(01.03.2021) 3P 7C