



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.04.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**

Crl.O.P. (MD)No.5142 of 2021

A.Charles

...Petitioner

Vs.

The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.
(In Crime No.208 of 2019)

...Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to secure accused A1 to A5 and conclude the investigation and file charge sheet in Crime No.208 of 2019 on the file of the learned Judicial Magistrate, Paramakudi.

For Petitioner	:Mr.B.Prasanna Vinoth
For Respondents	:Mr.K.Suyambulinga Bharathi
	Government Advocate (crl.side)

O R D E R

This petition has been filed seeking a direction to the respondent to secure the accused Nos.1 to 5 and conclude the investigation and file a charge sheet in Crime No.208 of 2019 on the file of the learned Judicial Magistrate, Paramakudi, within a time prescribed by this Court.

2.The case of the prosecution in brief are as follows:-

The petitioner had employed the first accused in his petrol bunk as Account Incharge. During the time of his employment, the first accused misappropriated a sum of Rs.18,39,320/- by giving full GST receipt to the customers. It was found that there was a shortage of funds. On 30.09.2019, only at the time of account checking, it came to notice that the first accused misappropriated the aforesaid amount. During enquiry, the first accused admitted that he had handed over the money to the accused Nos.2 to 6. Since the first accused did not return the amount, a complaint was lodged on 01.10.2019. Later all the accused persons promised to settle the amount on 02.10.2019 but they did not turn up. Thereafter, the case in Crime No.208 of 2019 was registered on the basis of the complaint given by the petitioner under Sections 408, 468, 420 and Section 34 of IPC. When the police official went to enquiry, the accused persons along with some other unknown persons blocked the police officials. The sixth accused was released on bail and the



accused Nos.3 and 4 filed a bail application and later it was withdrawn. Thereafter, the seventh accused was released on bail. The fifth accused has also filed an anticipatory bail before the Principal District and Sessions Judge, Ramanathapuram and the same was dismissed and another bail application was filed by the fourth respondent and the same was also dismissed. Later, the first accused paid a sum of Rs.10,00,000/- and the balance amount was not secured. Even after lapse of several months, there is no progress in the investigation. Hence, this petition has been filed seeking a direction to the respondent to secure the accused Nos.1 to 5 and conclude the investigation.

3.When the matter was taken up for hearing, the learned Government Advocate (crl.side) would submit that the investigation has almost over and the final report will be filed within a short time and he prays appropriate order may be passed by this Court.

4.Taking into consideration the submission made by the respective parties, there shall be a direction to the respondent herein to conclude the investigation and file a final report before the competent jurisdictional Court within a period of two months from the date of receipt of a copy of this order.

5.With the above directions, this Criminal Original petition is disposed of.

Sd/-

Assistant Registrar (Records)

// 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.

To

1.The Judicial Magistrate, Paramakudi.

2. The Inspector of Police, Emaneswaram Police Station,
Ramanathapuram District.

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

+1 CC to M/s.B.PRASANNA VINOTH, Advocate (SR-15570[F] dated
09/04/2021)

Crl.O.P. (MD)No.5142 of 2021
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RA (11.05.2021) 2P 5C

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