



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.366 of 2022
and
Crl.M.P.Nos.3785 & 3786 of 2022

K.Venkittu

... Petitioner / 2nd Accused

Versus

State Represented by
The Inspector of Police,
Commercial Crime Investigation Wing,
Kanchipuram,
Kanchipuram District.
(Crime No.2/2017)

... Respondent / Complainant

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to set aside the order in Crl.M.P.No.2802 of 2018 in C.C.No.198 of 2017, dated 28.02.2022 by the Learned Judicial Magistrate No.I, Kanchipuram, Kanchipuram District and call for the records and acquit the petitioner from all the charges.

For Petitioner : Mr.R.Anbalagan

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Crl.side)

O R D E R

This Criminal Revision is filed aggrieved by the order of the learned Judicial Magistrate No.I, Kanchipuram, dated 28.02.2022, thereby rejecting the discharge petition.

2.From a perusal of the final report, it is clear that the allegation is when the third party was ordered to supply 6000 bags to the society and when he supplied it through Challans, through various vehicles, the accused have colluded with each other and have shown only 4000 bags were supplied and the 2000 bags has been misappropriated.



3. Primarily the contention of the learned counsel for the petitioner is that the petitioner is only a cashier. Further he submitted that it is not the duty of the cashier to account for the receivables, and he has not prepared any document to that effect and therefore, it is beyond his duties and responsibilities and he was handling only cash in the counter, and cannot be prosecuted for the said offence.

4. I am afraid that whether on such ground the discharge can be ordered. Prima facie by the listed witnesses, have stated that all the accused have colluded with each other and made false accounts as if only 4000 bags have been supplied, even though 6000 bags were supplied.

5. In that view of the matter, the points urged by the learned counsel have to be canvassed only during the trial. Giving liberty to the petitioner to raise all these points before the Trial Court, the Criminal Revision petition is liable to be dismissed. Considering the fact that A1, the prime accused, died, and other persons have retired from service, this petitioner complains that he alone is suffering due to the pendency of the case, the Trial Court is directed to dispose off the case, in any event, not later than the period of six months, from the date of receipt of a copy of this order.

6. With the above observation, this Criminal Revision is disposed off. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.I,
Kanchipuram, Kanchipuram District.
2. -do through- The Chief Judicial Magistrate,
Kanchipuram.
3. The Inspector of Police,
Commercial Crime Investigation Wing,
Kanchipuram, Kanchipuram District.



4. The Public Prosecutor,
High Court of Madras.

Copy to
The Section Officer,
Criminal Section,
High Court, Madras - 104.

+1cc to Mr.R.Anbalagan, Advocate, S.R.No.34300

Cr1.R.C.No.366 of 2022
and
Cr1.M.P.Nos.3785 & 3786 of 2022

PL[co]
NSK/24/06/2022