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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL.O.P. NO.13986 OF 2022 & CRL.M.P.NOS.7604 & 7608 OF 2022

M.Krishnathejes

... Petitioner/
Accused 2

Vs.

1. State by The Inspector of Police,
District Crime Branch,
Krishnagiri District.

... Respondent/Complainant

2. K.Thailammal,
DEEO, District Elementary Education Office,
Krishnagiri.

... Respondent/
Defacto Complainant

PRAYER:

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records and quash the final report as far as the petitioner is concerned pending trial on the file of the learned Judicial Magistrate No.II, Krishnagiri in C.C.No.69 of 2013.

For Petitioner : Mr.P.Ezhil Nilavan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor - R1

O R D E R

This Criminal Original Petition has been filed to quash the case in C.C.No.69 of 2013 pending trial on the file of the learned Judicial Magistrate No.II, Krishnagiri for the offences under sections 466, 460, 471, 409 and 420 of IPC.



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2. The allegations against the accused is that A1 along with other accused created false receipts and made false entries in the records and thereby facilitated A1 to draw excess amount from the Treasury and hence, the accused have been prosecuted.

3. It is the contention of the learned counsel for the petitioner that he has not fabricated any receipts and created false entries as alleged by the prosecution and the main accused is A1 and the petitioner is only A2 and there is no incriminating material against the petitioner and hence, seeks to quash the charges against the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondents submitted that there are prima facie materials against the petitioner and witnesses have clearly spoken about the role played by the petitioner in the commission of the offence and hence, prayed to dismiss this petition.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

6. The grounds that have been raised by the learned counsel for the petitioner is purely factual in nature and this Court cannot go into the same and conduct roving enquiry while exercising its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise all his defence before the trial Court and the Court below shall consider the same on its own merits and in accordance with law.

7. At this stage, the learned counsel for the petitioner sought indulgence of the Court, to dispense with the personal appearance of the petitioners.

8. Accordingly, this Criminal Original Petition is dismissed with a direction to the Court below to complete the proceedings, within a period of six months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Cr1) 288 SC]. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191). In view of the submissions of the learned counsel for the petitioner, the personal appearance of the petitioner is dispensed with except for receiving copies, for answering the charges, for questioning under section 313 Cr.P.C. and any other



dates fixed by the trial Court. Consequently, connected miscellaneous petitions are also closed.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Judicial Magistrate No.II,
Krishnagiri.
2. Do-thro Chief Judicial Magistrate,
Krishnagiri.
3. The Inspector of Police,
District Crime Branch,
Krishnagiri District.
4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.Ezhil Nilavan, Advocate, S.R.No.37885

Crl.O.P. No.13986 of 2022

SVI (CO)
PM/30/06/2022