



Crl.O.P.No.15164 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	14.11.2022
Pronounced on	18.11.2022

CORAM

THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.15164 of 2019

N.Mathivanan

... Petitioner

-Vs.-

1.The State rep by its
Sub-Inspector of Police,
District Crime Branch,
Cuddalore,
(Crime No.23 of 2015)

2.Sathiyannarayana Sunkara
Deputy Chief Manager (Human Resources)
Human Resources Department,
Thermal Power Station Unit II,
Neyveli Lignite Corporation,
Neyveli 7.

.. Respondents

Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the records relating to C.C.No.211 of 2017 on the file of the learned District Munsif Cum Judicial Magistrate, Cuddalore and quash the same.



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Crl.O.P.No.15164 of 2019

For Petitioner :Mr.R.C.Paul Kanagaraj,
for Mr.C.Sivanesan

For Respondents :Mr.N.S.Suganthan,
Government Advocate (Criminal side)
for R1
No appearance for R2

ORDER

This Criminal Original Petition has been filed by the accused persons to call for the records relating to C.C.No.211 of 2017 on the file of the learned District Munsif Cum Judicial Magistrate, Cuddalore and quash the same.

2. The petitioner herein while serving as Senior Clerk in the Office of the Employees' Provident Fund [hereinafter "EPF"], Trichy, alleged to have conspired with one Manikandan to facilitate plot loans for contract workers of Neyveli Lignite Corporation [hereinafter "NLC"], who are neither eligible for plot loan nor recommended by NLC for sanctioning loan.



Crl.O.P.No.15164 of 2019

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3. The petitioner was in-charge of processing loan applications of NLC in EPF code Nos.44076 and 44868, under the supervision of one Lawrence Jeyaraj and his colleague Smt.Vijaya, who was in-charge of EPF Code No.43491. The petitioner received commission from Manikandan and used to expedite the loan processing by influencing the clerks, who were scrutinising the loan applications. While so, the NLC took a policy decision not to recommend plot loans to the contract employees, since cases of availing plot loans without proper supporting documents came to light and hence no plot loan applications were forwarded from NLC to EPF office for nearly two years. However, it is alleged that during the Month of December, 2014, said Manikandan, a contract worker in NLC met the petitioner and promised to pay commission, if the petitioner manage to clear the plot loan processing and get the loans sanctioned.

4. In the said background, Manikandan collected the plot loan applications from 11 NLC contract employees working under M/s.PDR Constructions and under M/s.R.R.Constructions and forged the



Crl.O.P.No.15164 of 2019

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signatures of Deputy Chief Manager (Human Resources), Human Resources Department, Thermal Power Station Unit II, NLC and affixed fake seal containing the name and designation of the Chief Manager (Human Resources). With the forged signatures and the fake seal and submitted the said plot loan applications directly at EPF office, Trichy in connivance with this petitioner. This petitioner agreed to clear the loan applications without the knowledge of Smt.Vijaya, the clerk who was in-charge of the concern EPF code. However, Smt.Vijaya, on receipt of these plot loan applications from the computer section, which used to allot the applications to the respective Task Team, found these 11 applicants have not completed five years of services as contract employees. Therefore, for that reason, the applications were returned to NLC, Neyveli.

5. On receiving the returned loan applications, the same was examined by the officers of NLC and found that the loan applications were not forwarded by them and the seal and signatures of the NLC officials found in those applications are fake and forged. Thus, on the complaint from Deputy Chief Manager (Human Resources), Human Resources Department, Thermal Power Station Unit II, NLC dated



Crl.O.P.No.15164 of 2019

28.05.2015, a case has been registered by Cuddalore police in Crime No.23 of 2015. The Investigating Officer, on completion of the investigations, filed a final report and the same has been taken cognizance in C.C.No.211 of 2013 on the file of the learned District Munsif cum Judicial Magistrate, Cuddalore.

6. The learned counsel for the petitioner submits that there is no evidence to show that this petitioner had dealt with those 11 plot loan applications. Except the confession statement of Manikandan (A1) and the confession statement alleged to have been given by this petitioner (A2) admitting the guilt. There is no other evidence to show that this petitioner conspired to get the fake loans sanctioned for monetary consideration. Even if the statement of Smt.Vijaya and the statements of the persons, who claimed that they used to get money transferred into their accounts from unknown source and the petitioner used to withdraw it using their ATM card and passwords, are proved, it does not anyway relates to these 11 plot loan applications.



Crl.O.P.No.15164 of 2019

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7. It is also contended by the learned counsel for the petitioner that the petitioner was an office bearer in the EPF Employees organisation and hence to victimise him, he had been falsely roped in this case.

8. The learned Government Advocate (Criminal side) submitted that the statement of witnesses, which is used as the confession statements reveals that the scheme of the accused persons conceived to cheat NLC as well as PFO. There is a *prima facie* evidence to show that this petitioner was in the habit of collecting money to clear loan application using his position in the Trichy EPF office.

9. In the instant case, Manikandan had attempted to get plot loan for the contract workers in connivance with this petitioner, who was working as senior clerk in the office of EPF, Trichy. The petitioner was one among the five clerks given the responsibility to scrutinize the loan applications received from the employees of NLC. However, for the past two years, the NLC had stopped recommending the plot loan to the contract workers as a matter of policy and the general rule is to sanction the plot loan, the employees must have complete at least five years of



Crl.O.P.No.15164 of 2019

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service. To get over these restrictions, the 11 applicants have placed their applications through A1 and A2. Due to Vigilant scrutiny, the attempt to cheat NLC as well as PFO got aborted.

10. The materials relied by the prosecution is adequate to frame charges against the petitioner for conspiracy to cheat using the forged documents. Therefore, this Court finds no merits in this petition to quash the case in CC 211 of 2017. As a result, this Criminal Original Petition is dismissed.

18.11.2022

Speaking/Non-speaking order

Index: Yes/No

Internet : Yes/No

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Crl.O.P.No.15164 of 2019

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To

- 1.The District Munsif Cum Judicial Magistrate,
Cuddalore.
- 2.The Sub-Inspector of Police,
District Crime Branch,
Cuddalore,
(Crime No.23 of 2015)
- 3.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.15164 of 2019

Dr.G.JAYACHANDRAN.J.,

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Crl.O.P.No.15164 of 2019

18.11.2022