



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 24.02.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

**Crl.R.C. (MD)No.461 of 2021**

WEB COPY

R.Karthikeyan

... Petitioner/Accused A1

Vs.

The State through  
The Inspector of Police  
District crime branch (DCB)  
Theni District  
(Crime NO.6/2016)

...Respondent/Complainant

**Prayer:** This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to set aside the order of the Judicial Magistrate, Theni, dated 17.04.2021, passed in Crl.M.P.No.5893 of 2017 in CC No.187/2017 as far as the charges framed against the petitioner are concerned and discharge the petitioner from the case in C.C.No.187 of 2017 pending before the Judicial Magistrate, Theni.

For Petitioners : Mr.Ramasundarvijayaraj S

For Respondent : Mrs.M.Aasha  
Government Advocate (Criminal Side)

**ORDER**

The criminal revision case has been filed to to set aside the order of the Judicial Magistrate, Theni, dated 17.04.2021, passed in Crl.M.P.No.5893 of 2017.

2.The case of the prosecution is that the defacto complainant namely, Anitha, who is the Treasury Officer, Theni, on her inspection found that the petitioner and other accused had misappropriated the Government money worth of Rs.54,91,429/- through ECS, from 26.11.2012 to 30.04.2015. Based on the complaint lodged by the defacto complainant, the respondent police registered a case in Crime No.6 of 2016 under Sections 403, 406, 420, 465, 477(A) of IPC. After investigation, the respondent police filed a final report before the Judicial Magistrate, Theni, as against three persons under Sections 403, 406, 420, 465, 477(A) of IPC and the same had been taken cognizance in C.C.No.187 of 2017.



3.Then, the petitioner filed a petition in Crl.M.P.No.5893 of 2017, before the Judicial Magistrate, Theni. The said Judicial Magistrate partly allowed the petition on 17.04.2021 and stated that there is a prima facie case against the petitioner since he had created forged retirement pension pay bill for one Santhakumari, Gowri and Rajendran, who were not entitled for the retirement pension pay. During the course of trial, it was revealed that the petitioner herein canvassed them and got some documents of the above said three persons and utilized the Government money.

4.In view of the above, the Court below has rightly dismissed the petition in Crl.M.P.No.5893 of 2017, dated 17.04.2021.

5.Therefore, this criminal revision case is dismissed. However, the trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of the order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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, Theni.

2. The Inspector of Police  
District crime branch (DCB)  
Theni District

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

+1CCto M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-8505[F] dated 24/02/2022 )

ORDER MADE IN  
Crl.R.C.(MD)No.461 of 2021  
24.02.2022