



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2022

CORAM:

WEB COPY

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

Crl.R.C. (MD)No.972 of 2021
&
Crl.M.P. (MD)No.11899 of 2021

S.Rathinakumar

... Petitioner/ Petitioner/
Accused No.2

Vs

State through,
The Inspector of Police,
District Crime Branch,
Virudhunagar District.

... Respondent/ Respondent/
Complainant

Prayer: This Criminal Revision Case filed under Section 397(1) r/w 401 Cr.P.C., to call for the records pertaining to the order passed by the Learned Judicial Magistrate No.II, Virudhunagar in Crl.M.P.No.2951 of 2017 in C.C.No.93 of 2017 dated 03.02.2021, examine the records and set aside the same.

For Petitioner: Mr.D.Geetha

For Respondent: Mrs.M.Aasha,

Government Advocate (Criminal Side).

O R D E R

This Criminal Revision Case has been filed challenging the impugned order passed by the learned Judicial Magistrate No.II, Virudhunagar in Crl.M.P.No.2951 of 2017 in C.C.No.93 of 2017 dated 03.02.2021, thereby, dismissed the petition for discharge, from the charges under Sections 409, 465, 468, 471, 477(A) r/w 34 IPC.

2.In this case, there are totally two accused. In which, the petitioner is arrayed as second accused. The case of the prosecution is that when the petitioner was working as Cashier from 23.04.2010 to 10.05.2010, during that period, the petitioner and the first accused with an common intention, committed fraud, by using the forged documents as genuine. On 23.04.2010, the petitioner and the first accused forged the signature of one Sanjeevi (SBI A/c No.1258) and withdraw a sum of Rs.49,000/- (Rupees Forty Nine Thousand), likewise in another SBI Account holder one Subbulakshmi (A/C No.1607) they withdrew a sum of Rs.32,000/- (Rupees Thirty Two



Thousand). Thereby, caused loss to the tune of Rs.82,000/- (Rupees Eighty Two Thousand).

3. Thereafter, the enquiry was conducted under Section 81 of Co-Operative Societies Act, by the District Registrar and lodged the complaint. The alleged case has been registered by the respondent and after completion of investigation, the respondent filed final report. It has been taken cognizance in C.C.No.93 of 2017, on the file of the learned Judicial Magistrate No.II, Virudhunagar.

4. There is specific overt act as against the petitioner. There is absolutely, no ground for discharging the petitioner from the above said charge. Therefore, the Court below rightly dismissed the petition for discharge and this Court finds no infirmity or illegality in the order passed by the Court below. In this case, the trial is pending from the year 2017.

5. In view of the above, this Criminal Revision Case is dismissed. Considering the pendency of trial from the year 2017, the trial Court is directed to complete the trial proceedings in C.C.No.93 of 2017, within three months, from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

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 No.II, Virudhunagar.

2. The Inspector of Police,
District Crime Branch, Virudhunagar District.

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

ORDER IN

Crl.R.C. (MD) No.972 of 2021
& Crl.M.P. (MD) No.11899 of 2021
18.03.2022

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<https://hmcscs.courts.gov.in/csr/v243>. 4C