



1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 18/11/2022

CORAM

The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.RC(MD)No.987 of 2022
and
Cr1.MP(MD)No.12170 of 2022

Mannar Subramanian : Revision Petitioner/A3

Vs.

State through the Inspector of Police,
CCIW (CID) P.S Sivagangai
in Crime No.1 of 2021. : Respondent/Complainant

PRAYER:- This Criminal Revision has been filed under section 397 r/w 401 of the Criminal Procedure Code, to call for the records and to set aside the order passed by the Judicial Magistrate No.II, Sivagangai, in Cr.M.P No.2458 of 2018 in CC No.153 of 2021, dated 20/07/2022 and pass such orders or other orders.

For Petitioner : Mr.R.Saravanan

For Respondent : Mr.S.Manikandan
Government Advocate
(Criminal side)



WEB COPY

O R D E R

This criminal revision has been filed against the dismissal order passed by the Judicial Magistrate No.II, Sivagangai, in Cr.M.P No.2458 of 2018 in CC No.153 of 2021, dated 20/07/2022 on the discharge petition filed by the revision petitioner/A3 under section 239 Cr.P.C.

2.The facts in brief:-

The revision petitioner was working as Technical Valuation Officer (Junior Engineer) in Tamil Nadu State Agricultural and Rural Development Bank in the year 1978. From 1995 to 2005, he was working as Junior Engineer at Sivagangai. He retired, on 31/01/2005. The Deputy Registrar of Cooperative Society ordered enquiry under section 81 of the Tamil Nadu Cooperative Societies Act in respect of the lapses that occurred during 19 years period. On the basis of the above said complaint, enquiry was held and on the basis of the enquiry report, the criminal case was also registered. In the complaint, it has been stated that one Arumugam made an application for mortgage loan for purchasing the Mini Door van worth about Rs.1,74,000/-. During the course of enquiry, it was



3. Seeking discharge, application was filed by the revision petitioner before the Judicial Magistrate No.II, Sivagangai in CrI.MP No.2458 of 2002 in CC No.153 of 2021. That came to be dismissed, on 20/07/2022. Against which, this criminal revision is preferred by the revision petitioner, who is arrayed as A3.

<https://www.mhc.tn.gov.in/judis>



5.This revision petitioner is arrayed as A3 in the final report. As mentioned earlier, there is specific allegation to the effect that in pursuance of the loan application that was presented by the co-accused, spot inspection was made by this revision petitioner over the above said mortgaged property and he has given a report stating that two tiled houses are available in the above said property. The house bearing No.302/2/24 worth about Rs.69,640/- and the other house bearing No.303/2/27 worth about Rs.90,060/-. So according to the report, both the properties are worth about Rs.1,59,700/-.

6.Again, the Bank officials inspected the property. But actually no property was available in the above said mortgaged property. So this is the serious allegation against the revision petitioner that has been made in the final report.

7.Now the learned counsel appearing for the revision petitioner would submit absolutely, there is no criminal conspiracy between the revision petitioner and the co-accused to value the property, which did not exist. According to him, the property was identified only



based upon the loan application and the property mentioned in the mortgage deed was not known to him. So according to him, absolutely, there is no criminal intention on his part. For which, he would rely upon number of judgments, which annexed along with the revision petition.

8.The learned counsel appearing for the revision petitioner would rely upon the judgment reported in the case of ***P.S.Murthy and others Vs. State represented by Inspector of Police, Special Police Establishment, Central Bureau of Investigation, Anti-Corruption Branch, Chennai-600 006***). In that case, assessment was made for grounding ship, during the transport of crude oil by sea. More-over, the facts are clearly distinguishable, because of the inexperience on the shipper, the contract was under question. But here, absolutely, they cannot correlate the facts to the present situation. The reason being that the property mentioned in the loan application did not exist. Whether it was out of criminal conspiracy or not, is a matter for consideration by the trial court.

9.Similarly, the judgment reported in the case of



G.Selvakumar Vs. State through Inspector of Police, C.C.I.W, CID, Tirunelveli (2011-1-L.W(Cr1)314) is also cited by the revision petitioner. It was a case of misappropriation by the Cooperative Society Staff and he was a Field Manager during the relevant period. It was the contention raised that he did not have any primary work and he is only discharging his supervisory duty.

10. Similarly, the judgment reported in the case of **R.Renu Vs. State by Inspector of Police, CCIW, CID, Vellore (2015-2-L.W (Cr1.) 310** is also clearly distinguishable. In that case, the petitioner was working as Field Manager and he was not responsible for certain disputed loans. So that post cannot be equated with that of the present revision petitioner.

11. As mentioned earlier, his duty was to visit the property under mortgage and assess the value. Whether this revision petitioner was misled and misdirected by the mortgagor is a matter for consideration only during trial.

12. When serious allegation of such nature has been



made, I am of the considered view that it must be taken to its logical conclusion. So the ground that has been made by the petitioner is not maintainable. I find no merit in this petition.

13.In the result, this criminal revision is **dismissed**, confirming the dismissal order passed by the trial court. Consequently connected Miscellaneous Petition is closed.

18/11/2022

Index:Yes/No
Internet:Yes/No

er

To,

- 1.The Judicial Magistrate No.II,
Sivagangai.
- 2.The Inspector of Police,
CCIW (CID) P.S,
Sivagangai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

G.ILANGOVAN, J



WEB COPY



8

er

Cr1.RC(MD)No.987 of 2022

18/11/2022