



CrI.O.P.No.3033 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.3033 of 2023

and

CrI.M.P.Nos.1827 & 1830 of 2023

K.Dhanasekaran

...Petitioners

vs.

The State rep by
The Inspector of Police,
CCIW-CID, Salem District.

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 18.10.2016 made in CRP.No.59 of 2015 by the Principal Session Judge, Salem, reversing the order dated 10.03.2015 made in CMP.No.130 of 2014 in CC.No.239 of 2013 on the file of the learned Judicial Magistrate No.4, Salem and renumbered as CC.No.818 of 2020 insofar as the petitioner is concerned.

For Petitioner : Mr.K.Raja, for Mr.N.Kolandaivelu

For Respondent : Mr.A.Gopinath
Government Advocate



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ORDER

This criminal original petition has been filed challenging the order passed by the Court below in CRP.No.59 of 2015 dated 18.10.2016 allowing the revision petition filed by the respondent and setting aside the order of discharge passed by the trial Court in CMP.No.130 of 2014 in CC.No.239 of 2013 dated 10.03.2015.

2. Heard the learned counsel for the petitioner and the respondent and also perused the materials available on record.

3. It is brought to the notice of this Court that there were totally 14 accused persons and already 8 accused persons have been discharged from this case by virtue of various orders passed by this Court.

4. The Court below had passed a common order in CRP.Nos.57 to 61 of 2015 dated 18.10.2016 and it involved 12 accused persons. This order was put to challenge by A7, A10, A5, A14, A12, A4, A6 and A9 before this Court by filing Criminal Revision Cases. All the Criminal Revision Cases were allowed by this Court by orders dated 23.02.2017, 24.10.2018 and 22.09.2022 and



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thereby those accused persons were discharged from this case.

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5. Insofar as the petitioner is concerned, he was working as a Special Officer for the period from 04.04.2007 to 09.08.2007. Apart from that, all the other allegations are the same even for the petitioner. Hence the order of discharge, that has been passed by this Court for other accused persons will enure to the benefit of the petitioner also.

6. It is also seen from records that even in the report filed by the enquiry officer under Section 81 of the Cooperative Societies Act, it was made clear that there was no misappropriation of funds and hence there is no need for initiating criminal proceedings against the Special Officers. That apart, based on this report, G.O.No.158 dated 28.02.2011 was also passed wherein the decision was taken to drop all further proceedings against the Special Officers. That apart, even disciplinary proceedings, that were initiated against the Special Officers, was brought to an end by the Joint Registrar of Cooperative Society, Salem through proceedings dated 30.01.2015 and the proceedings initiated under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules was dropped on the ground that the charges were not proved against the Special Officers.



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29.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa

To

- 1.The District.Principal Session Judge,
Salem
- 2.The Judicial Magistrate No.4,
Salem.
- 3.The Inspector of Police,
CCIW-CID, Salem
4. The Public Prosecutor,
Madras High Court,
Chennai 600 104..



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N. ANAND VENKATESH, J.

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