



Crl.R.C.No.480 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.R.C.NO.480 OF 2023

AND

CRL.M.P.NO.3650 OF 2023

T.Ramadoss

... Petitioner

Vs.

The State Represented by its
Inspector of Police
Thiruthuraipundi Police Station
Thiruthuraipundi,
Thiruvarur District.

... Respondent

PRAYER: Criminal Revision Case filed under Sections 397 and 401 Cr.P.C., to set aside the order dated 10.02.2023 passed by the learned Judicial Magistrate, Thiruthuraipoondi in Crl.M.P.No.937 of 2023 in C.C.No.153 of 2022 and split-up the case.

For Petitioner : Mr.S.Arivazhagan
For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal side)



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ORDER

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This Criminal Revision Case is filed by the petitioner seeking to set aside the order dated 10.02.2023 passed by the learned Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District, in Crl.M.P.No.937 of 2023 in C.C.No.153 of 2022 and to split-up the case.

2.The case of the prosecution is that the petitioner and 48 others had induced the defacto complainant the Branch Manager, State Bank of India, Thiruthuraipoondi, Thiruvarur District, for agricultural loan for 45 persons by producing bogus Chitta, Adangal and other documents for which, FIR in Crime No.21/2007 was registered against the petitioner and 48 others for the offences punishable under Sections 465, 467, 468, 471 and 420 IPC, based on the written complaint preferred by one Mr.Kulasekaran, Branch Manager, State Bank of India, Thiruthuraipoondi, Thiruvarur District. After investigation, the respondent police filed a final report, which was assigned as C.C.No.153/2022 on the file of the learned Judicial Magistrate, Thiruthuraipoondi.

3.The learned counsel for the petitioner submitted that the



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petitioner has been arrayed as A-2. The respondent police registered a case against 49 persons in Crime No.21/2007 under Sections 465, 467, 468, 471 and 420 IPC, in pursuance of the written complaint preferred by one Mr.Kulasekaran, Branch Manager, State Bank of India, Thiruthuraipoondi, Thiruvarur District. After investigation, final report has been filed and the same was taken on file in C.C.No.153 of 2022 on the file of learned Judicial Magistrate, Thiruthuraipoondi. Since summons were not served on all the accused persons, only 15 accused persons were appeared before the Trial Court. For want of securing the other accused persons, the case is pending for a long period. The petitioner/A-2 is a Law Graduate and since a criminal case is pending against him, he is unable to enroll him as an Advocate. Hence, he filed a petition in Crl.M.P.No.937 of 2023 before the learned Judicial Magistrate, Thiruthuraipoondi, to split-up the case in respect of the accused persons appeared before the Court. However, the learned Trial Judge dismissed the said petition on 10.02.2023. Challenging the same, the petitioner has come up with the present Criminal Revision Case.

4.The learned counsel for the petitioner further submitted that



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because of the criminal case pending for a long period, the petitioner is unable to enroll him as an Advocate and to continue his practice and thereby, his future will be very much affected. Hence, he seeks to allow the present Criminal Revision Case and further seek to split-up the case for the accused persons appeared before the Trial Court.

5.The learned Government Advocate (Criminal side) submitted that in this case, three accused viz., A-11, A-22 and A-28 are died. Summons were served on 15 accused persons viz., A-1, A-2, A-3, A-5, A-6, A-7, A-8, A-12, A-23, A-26, A-30, A-33, A-36, A-40 and A-46 and they have appeared before the Trial Court. Summons are yet to be served on five accused persons viz., A-13, A-14, A-16, A-39 and A-44. With regard to the remaining 26 accused persons, the Village Administrative Officer gave a certificate that the said 26 persons viz., A-4, A-9, A-10, A-15, A-17, A-18, A-19, A-20, A-21, A-24, A-25, A-27, A-29, A-31, A-32, A-34, A-35, A-37, A-38, A-41, A-42, A-43, A-45, A-47, A-48 and A-49 were not residing in the address mentioned in the FIR and that they are still searching for their correct address.

6.Heard the submissions made on either side and perused the



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materials available on record.

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7. On perusal of the records, the facts reveal that the respondent police registered a case against 49 persons in Crime No.21/2007 under Sections 465, 467, 468, 471 and 420 IPC, based on a written complaint preferred by one Mr. Kulasekaran, Branch Manager, State Bank of India, Thiruthuraipoondi, Thiruvarur District. After investigation, final report has been filed, which was taken on file in C.C.No.153 of 2022 on the file of learned Judicial Magistrate, Thiruthuraipoondi. Since summons were not served on all the accused persons, only 15 accused persons appeared before the Trial Court. For want of securing the other accused persons, the case is pending for a long period. The petitioner/A2 is a Law Graduate and since a criminal case is pending against him, he is unable to enroll himself as an Advocate. Hence, he filed a petition in CrI.M.P.No.937 of 2023 before the learned Judicial Magistrate, Thiruthuraipoondi, to split-up the case with respect to the accused persons appeared before the Trial Court. However, the learned Trial Judge dismissed the said petition on 10.02.2023. Since the criminal case is pending for a long period, the petitioner is unable to enroll



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him as an Advocate and to continue his practice and thereby, his future will be very much affected. Further, three accused viz., A-11, A-22 and A-28 are died and summons were served on 15 accused persons viz., A-1, A-2, A-3, A-5, A-6, A-7, A-8, A-12, A-23, A-26, A-30, A-33, A-36, A-40 and A-46 and they have only appeared before the Trial Court and summons are yet to be served on five accused persons viz., A-13, A-14, A-16, A-39 and A-44. With regard to the remaining 26 accused persons, the Village Administrative Officer gave a certificate that the said 26 persons viz., A-4, A-9, A-10, A-15, A-17, A-18, A-19, A-20, A-21, A-24, A-25, A-27, A-29, A-31, A-32, A-34, A-35, A-37, A-38, A-41, A-42, A-43, A-45, A-47, A-48 and A-49 were not residing in the address mentioned in the FIR and they are still searching for their correct address.

8.Considering the submissions made by the learned counsel on either side and also the facts narrated above, it is clear that summons were served only on 15 accused persons and they have also appeared before the Trial Court out of 49 accused persons. Under such circumstances, considering the petitioner's future in mind, this Court is of the view that the case has to be



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split-up with respect to the appeared accused persons and after securing the other accused, the case may be proceeded separately.

9.For the above stated reasons, it is appropriate to split-up the case of the summons served accused persons viz., A-1, A-2, A-3, A-5, A-6, A-7, A-8, A-12, A-23, A-26, A-30, A-33, A-36, A-40 and A-46. The accused non-appeared case may separately be numbered and after securing them, their case may be proceeded separately.

10.Accordingly, the impugned order dated 10.02.2023 in Cr.M.P.No.937 of 2023 is set aside and the learned Judicial Magistrate, Thiruthuraipoondi is hereby directed to split-up the case of the summons served accused viz., A-1, A-2, A-3, A-5, A-6, A-7, A-8, A-12, A-23, A-26, A-30, A-33, A-36, A-40 and A-46 from the case of the non-appeared accused persons and proceed to dispose of the case, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

11.In fine, the Criminal Revision Case is allowed. Consequently,



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connected miscellaneous petition is closed.

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06.06.2023

Internet : Yes
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To

- 1.The Judicial Magistrate
Thiruthuraipoondi.
- 2.Inspector of Police
Thiruthuraipundi Police Station
Thiruthuraipundi,
Thiruvarur District.
- 3.The Public Prosecutor
High Court of Madras
Chennai.



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V.SIVAGNANAM, J.

TK

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