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Crl.M.P.No.14940 of 2023

in

Crl.O.P.No.9925 of 2023

G.K.ILANTHIRAIYAN, J.

This petition has been filed to recall the order dated 04.05.2023 passed in Crl.O.P.No.9925 of 2023.

2. Heard both sides and perused the materials available on record.

3. The learned counsel appearing for the petitioner submitted that after praying the quash petition, it was listed during the vacation viz., on 04.05.2023. He further submitted that he never approached the Registry to list the matter during vacation. Therefore, this Court directed the Registry to number the recall petition and it was posted for maintainability today.

4. He further submitted that the petitioners are arrayed as A3 & A5. Even according to the prosecution, A1, being the husband of A3, transferred a sum to the account of A3 and A5 who is his brother-in-law. There is absolutely no *mens rea* for the petitioners and also there is no meeting of mind of A1 and the petitioners herein in order to attract the offence under Section 120B of IPC. Therefore, no charges has been made



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4. A perusal of the records revealed that the petitioners are wife and brother-in-law of A1. Admittedly, a huge amount has been transferred by the petitioners and therefore, a charge under Section 120B of IPC is squarely made out by them.

5. In view of the above, this Court finds no merits in this petition and this Court already dismissed the CrI.O.P.No.9925 of 2023 on merits, though the learned counsel for the petitioner was absent on the date of hearing. Accordingly, this petition stands dismissed.

20.09.2023

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