



Crl.R.C.(MD).No.727 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

Crl.R.C(MD).No.727 of 2023

and

Crl.M.P(MD).No.10043 of 2023

A.Johnson

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Trichy City Crime Branch,
K.K.Nagar, Trichy District.
(Crime No.4 of 2008)

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., to set aside the order passed in Crl.M.P.No.469 of 2023 in C.C.No.244 of 2009 by the learned Judicial Magistrate No.I, Trichirapalli, dated 02.05.2023.

For Petitioner	: Mr.S.C. Herold Singh
For respondent	: Mr. P. Kottaichamy
	Government Advocate (Crl. side)

ORDER

This Criminal Revision has been filed to set aside the order, dated 02.05.2023 passed in Crl.M.P.No.469 of 2023 in C.C.No.244 of 2009 on the file of the learned Judicial Magistrate No.I, Trichirapalli.



Crl.R.C.(MD).No.727 of 2023

2. 1. The petitioner is arrayed as accused No.1 in C.C.No.244 of 2009 on the file of the learned Judicial Magistrate No.I, Tiruchirappalli. The petitioner is the owner of the property in S.No.116/2, Plot No.55, 55A. The petitioner and the other accused fraudulently created the records and obtained loan of Rs.7,20,000/- without constructing house in the said property. In result, they defrauded and cheated the bank. Thereby, the defacto complainant bank suffered loss. Hence, he and other accused alleged to have committed the offence under Section 465, 460, 471, 420 IPC. During the pendency of the trial, he has filed a petition in Crl.M.P.No.644 of 2021 to array the one Meenakumari as a accused. The same was dismissed. Aggrieved over the same, he filed the revision before this Court in Crl.R.C.(MD)No.859 of 2021 and the same was also dismissed by this Court by the order dated 23.02.2022.

2.2. Thereafter, the case proceeded further and posted for judgment. At that stage, he filed the present petition under Section 254(2) Cr.P.C., before the trial Court to examine one Meenakumari, who is the wife of A4 viz., Radhakrishnan. The learned trial Judge dismissed the same. Aggrieved over the same, he filed this Revision.



Crl.R.C.(MD).No.727 of 2023

3. The learned counsel for the petitioner submitted that this Court in its earlier order permitted to examine Meenakumari as a defence witness and hence, he wants to examine the said witness to prove his case that he is no way connected with the allegation made by the prosecution. Hence, in the interest of justice, he prays for allowing this revision by setting aside the order passed in Crl.M.P.No.469 of 2023.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. The petitioner facing the allegation that he conspired with the other accused and obtained loan to construct a house and created the false records as if the house was constructed and defrauded and cheated the bank. In the said circumstances, the petitioner is duty bound to disclose the reason to examine the said Meenakumari. But, he did not disclose the same. Further, he examined number of defence witnesses to substantiate his case that he is not involved in the affairs of the Bhuvaneswari Enterprises. Trial was completed and the case was posted for judgment. At that stage, the petitioner filed this petition with an intention to prolong the litigation as rightly held by the learned trial



Crl.R.C.(MD).No.727 of 2023

Judge. Therefore, this Court does not find any infirmity in the order passed by the learned Judicial Magistrate No.I, Trichirapalli.

6. Accordingly, this Criminal Revision Case is dismissed.

Consequently, the connected Miscellaneous Petition is closed.

17.07.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
trp

To

1. The Judicial Magistrate No.I, Trichirapalli.

2. The Inspector of Police,
Trichy City Crime Branch,
K.K.Nagar,
Trichy District.

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



WEB COPY



Crl.R.C.(MD).No.727 of 2023

K.K. RAMAKRISHNAN. J.,

trp

Order made in
Crl.R.C(MD).No.727 of 2023 and
Crl.M.P(MD).No.10043 of 2023

Dated : 17.07.2023