



Crl.RC.(MD).No.940 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :19.09.2023

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC.(MD).No.940 of 2023

and

Crl.M.P.(MD).Nos.12294 & 12296 of 2023

1.K.Soundarapandi

2.S.Jothilakshmi

... Petitioners

Vs.

The Inspector of Police,
Vadipatti Police Station,
Madurai
(Crime No.135 of 2017)

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the order passed by the learned Judicial Magistrate, Vadipatti in Cr.M.P.No.2906 of 2023 in C.C.No.45 of 2022 dated 19.06.2023.

For Petitioners : Mr.M.A.Abdul Muthalif

For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)



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Crl.RC.(MD).No.940 of 2023

ORDER

This Criminal Revision Case has been filed against order passed by the learned Judicial Magistrate, Vadipatti in Cr.M.P.No.2906 of 2023 in C.C.No.45 of 2022 dated 19.06.2023.

2.The petitioners are arrayed as accused Nos. 1 and 2 in C.C.No. 45 of 2022 on the file of the Learned Judicial Magistrate, Vadipatti. They are said to have committed the offences under Sections 120 (b), 406 and 420 of I.P.C.

3.One Thirumoorthy, branch manager of Bank of India, Vadipatti has preferred a complaint before the respondent police alleging that the petitioner and 3rd accused in this case conspired together to cheat the bank and obtained the loan of Rs.15,00,000/- to purchase the harvesting machine from A3 company namely CMS Agro equipments and failed to purchase the machineries and misappropriated the said amount and also failed to repay the amount. The respondent police registered the case and conducted



Crl.RC.(MD).No.940 of 2023

investigation and filed the final report and the same was taken on file in the above C.C.No.45 of 2022 for the above stated offence.

4.The petitioners filed the discharge petition before the trial court stating that they have already made complaint against the said bank manager, A3 and other accused alleging that they received Rs.5,20,000/- and the manager also received the various dues, but they have not delivered the harvesting machine. The said complaint was taken on file in C.C.No.392 of 2018. The said case ended in conviction. As a counter blast, the present criminal case was initiated. Therefore, he seeks for discharge. The Learned Trial Judge dismissed the petitioner and challenging the same, the present revision has been filed.

5.The Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the above submission.

6.But, this Court is unable to appreciate the said contention that on the basis of the conviction judgment passed in C.C.No. 392 of 2018, this



Crl.RC.(MD).No.940 of 2023

case has been initiated for the reason that the said document does not form part of the 207 Cr.P.C. copies and this court has no jurisdiction to consider the relevancy of the same at this stage. Therefore, this Court is inclined to dispose this revision with direction to the learned trial judge to consider the said document during the course of the trial.

7. Accordingly this Criminal Revision Case is disposed of in the following terms:

7.1. The petitioners are hereby directed to produce the judgment in C.C.No.392 of 2018 and the consumer Court judgment before the learned Judicial Magistrate, Vadipatti, during the course of the trial and the learned Judicial Magistrate, Vadipatti, is hereby directed to consider the same in accordance with law on merits.

Consequently, the connected criminal miscellaneous petitions are closed.

19.09.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
sbm



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Crl.RC.(MD).No.940 of 2023

To

- 1.The Inspector of Police,
Vadipatti Police Station,
Madurai
- 2.The Judicial Magistrate,
Vadipatti.
- 3.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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Crl.RC.(MD).No.940 of 2023

K.K.RAMAKRISHNAN, J.

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