



Crl.R.C.Nos.886 and 888 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.Nos.886 and 888 of 2021

And

Crl.M.P.Nos.12408, 12409, 12414 and 12415 of 2021

1.Duraisamy
2.R.Subramani
3.P.Subramani
4.R.Ramachandren ... Petitioners in Crl.R.C.No.886/ 2021

1.Ammaiyappan
2.M.Pavayee
3.P.Selvaraj ... Petitioners in Crl.R.C.No.888/ 2021

Vs.

State by
Inspector of Police,
C.C.I.W.C.I.D Unit,
Namakkal District. ... Respondent in both the Crl.R.Cs.

Common Prayer:

Criminal Revision Cases filed under Section 397 and 401 (1) of Criminal Procedure Code, seeking to call for the records in Crl.M.P.Nos.4077 and 4078 of 2016 respectively in C.C.No.670 of 2020 on the file of the learned Judicial Magistrate No.II, Namakkal order dated 02.09.2021 in Crl.M.P.Nos.4077 and 4078 of 2016 respectively in C.C.No.670 of 2020 in Crime No.1 of 2014 on the file of the respondent police and set aside the order of dismissal of discharge and discharge the revision petitioners herein.



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For Petitioners : M/s.S.Ranjith Kumar
For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

COMMON ORDER

The criminal revision cases have been filed seeking to set aside the order of dismissal of discharge in Crl.M.P.Nos.4077 and 4078 of 2016 respectively in C.C.No.670 of 2020 on the file of the learned Judicial Magistrate No.II, Namakkal dated 02.09.2021 in Crime No.1 of 2014 on the file of the respondent police.

2.The case of the petitioners is that the petitioners are the accused in C.C.No.670 of 2020 on the file of the learned Judicial Magistrate No.II, Namakkal and they filed petition seeking to discharge them in Crl.M.P.Nos.4077 and 4078 of 2016 respectively and the said petitions were dismissed on 02.09.2021. Challenging the same, the present revisions have been filed.

3.The learned counsel for the petitioners submitted that the petitioners are the ex-employees of the Co-operative society by name Namakkal City Co-operative Bank and the allegation against the petitioners is that during the period from 2006 to 2009, the petitioners



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mis-appropriated a sum of Rs.1,13,609.50 by forging the signature of the share holders and nearly 20 accused were implicated in the offence. Out of the 20 accused, two of the filed Crl.O.P.Nos.5840 and 6223 of 2022 seeking to quash the proceedings in C.C.No.670 of 2020 and this Court vide order dated 06.02.2024 allowed the said petitions. The learned counsel further submitted that there is no substance to implicate the petitioners as accused and hence, this Court may grant similar relief to the petitioners also.

4.Per contra, the learned Government Advocate (Crl. Side) submitted that on 11.10.2013, The Co-operative Deputy Registrar of Namakkal District preferred a criminal complaint to the Superintendent of Police C.C.I.W. C.I.D., Chennai against one Duraisamy and 19 others and the said complaint was sent to C.C.I.W. C.I.D., Namakkal vide memorandum dated 20.01.2014 and based on the same, a case was registered by the Sub Inspector of Police, C.C.I.W. C.I.D, Namakkal in Crime No.1 of 2014 for the offence under Sections 403, 408, 420, 468, 477 A r/w.34 of I.P.C.

5.The learned Government Advocate (Crl. Side) further submitted that the petitioners either conspired with other accused or



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involved in commission of offence or aided in forging the voucher and caused the same for encashment with the then cashier/ clerks and further submitted that there are enough materials available to try the offenders in the trial Court.

6.Heard the learned counsel appearing for the petitioners as well as the learned Government Advocate (Crl. Side) appearing for the respondent.

7.The allegations levelled against the petitioners are matter for trial and the trial Court after considering all the aspects, passed the impugned orders which warrant no interference.

8.These revisions are dismissed. Consequently, the connected miscellaneous petitions are closed.

22.04.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Judicial Magistrate No.II, Namakkal.

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