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CrI.R.C.No.966 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.R.C.No.966 of 2021

Sasikala

... Petitioner

Vs.

1. Manivanan,
Secretary,
Chelliyampalayam Primary Agricultural Co-operative
Credit Society,
Chelliyampalayam Post,
Attur Taluk, Salem District.

2. Srinivasan,
Assistant,
Chelliyampalayam Primary Agricultural Co-operative
Credit Society,
Chelliyampalayam Post,
Attur Taluk, Salem District.

3. The Inspector of Police,
Attur Rural Police Station,
Attur Taluk, Salem District.

... Respondents

(R3 impleaded as per order in CrI.M.P.No.2427 of
2022 in CrI.R.C.No.966 of 2021, dated 28.02.2022 by
RPAJ)



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PRAYER : Criminal Revision filed under Section 397 r/w Section 401 of the code of Criminal Procedure, 1973 to set aside the order dated 23.10.2021 made in Crl.M.P.No.07 of 2021 on the file of the Judicial Magistrate Court No.I, Attur.

For Petitioner : Mr.S.Muthukrishnan
For Respondents : Mr.A.Gopinath
Govt. Advocate (Crl.Side) for R3

ORDER

The present criminal revision has been filed to set aside the order dated 23.10.2021, passed by the learned Judicial Magistrate No.I, Attur in Crl.M.P.No.07 of 2021.

2. The petitioner is an agriculturist. She had been carrying on her avocation by obtaining agricultural loan from the respondent Primary Agricultural Co-operative Credit Society on and off and had been regular in repaying the same. She again approached the respondent Society in May 2020 for a fresh loan for agricultural purposes. However, she was driven from pillar to post without sanctioning the loan. Whereas, the loan applied by other farmers have been sanctioned. When the petitioner questioned the



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same, the first respondent asked the petitioner to come to the Society on 12.05.2020 along with guarantor and receive the loan. Accordingly, the petitioner went to the Society on 12.05.2020 at about 11.00 am along with the guarantor. However the first respondent refused to grant loan to the petitioner. Hence the petitioner requested the first respondent to return the land documents in the custody of the respondent Society so that she could get the loan from any other society. However, the respondents 1 and 2 had ill-treated the petitioner and her guarantor by using unparliamentary words. Thereafter, the petitioner filed a private complaint against the respondents 1 and 2 for offences under Sections 166, 294(b), 506(II) and 406 of IPC and the same was taken on file in Crl.M.P.07 of 2021 on the file of the Judicial Magistrate No.I, Attur. The said proceedings ended in a dismissal by order dated 23.10.2021 against which the present revision.

3. The learned counsel for the petitioner submits that the learned Magistrate had erred in not considering the deposition of her witnesses 2 and 3 and that the learned Magistrate has also failed to consider the sworn



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statement of the petitioner and has exceeded his powers vested under Section 200 of Cr.P.C and therefore, the order dated 23.10.2021 has to be interfered with.

4. Notice was served on the respondents 1 and 2, however none appeared on behalf of them. Mr.A.Gopinath, learned Government Advocate (Crl.Side) appeared on behalf of the third respondent.

5. This Court carefully considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate for the third respondent and perused the materials placed on record.

6. It is seen that the petitioner had elongated a petty issue into multiplicity of proceedings. Apart from the present criminal revision emanating from a criminal miscellaneous petition, there seems to have been a writ petition filed by the guarantor Gunasekar before this Court in W.P.2554 of 2021 seeking for a writ of mandamus directing the first respondent to conduct an enquiry under Section 81 of Tamil Nadu



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Co-operative Societies Act, 1983 regarding the functioning of the second respondent Society and also to sanction crop loan to the petitioner therein. The said writ petition was dismissed by this Court with a direction to the respondent to consider the fresh loan application of the petitioner therein.

7. The learned Judicial Magistrate-I, Attur has elaborately discussed about the writ petition in the impugned order and has further considered the evidences of witnesses 1 and 2 which were contrary to each other and that a criminal case in Crime No.210 of 2020 has been filed by the respondent Society on the guarantor Gunasekar for physically abusing the Society officials. Therefore, it is clear that this is a matter involving case and counter case by both the parties making allegations against each other and hence, this Court finds no ground to interfere with the order of the learned Judicial Magistrate-I, Attur who has proceeded on the basis of the evidence let in by the parties and after considering the facts and circumstances of the case.



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8. Accordingly, the Criminal Revision Case is devoid of merits and it is dismissed.

10.04.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

1. The Judicial Magistrate Court No.I,
Attur.

2. The Inspector of Police,
Attur Rural Police Station,
Attur Taluk, Salem District.



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M.DHANDAPANI, J.

vji

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