



Crl.O.P.Nos.19936 & 19947 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:20.08.2024

Coram:

THE HONOURABLE MR.JUSTICE M.NIRMALKUMAR

Crl.O.P.Nos.19936 & 19947 f 2024
and
Crl.M.P.Nos.11595 and 11601 of 2024

K.Ravendran

.. Petitioner in both cases

/versus/

State by the Sub Inspector of Police,
CCIW/CID,
Krishnagiri District.

.. Respondent in both cases

Prayer in Crl.O.P.No.19936 of 2024 Criminal Original Petition has been filed under Section 482 of Cr.P.C to set aside the order dated 28.05.2024 made in Crl.M.P.No.2391 of 2024 in C.C.No.182 of 2021 on the file of the Judicial Magistrate No.II, Krishnagiri by allowing this Criminal Original Petition.

Prayer in Crl.O.P.No.19947 of 2024 Criminal Original Petition has been filed under Section 482 of Cr.P.C to set aside the order dated 28.05.2024 made in Crl.M.P.No.2394 of 2024 in C.C.No.182 of 2021 on the file of the Judicial Magistrate No.II, Krishnagiri by allowing this Criminal Original Petition.



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For Petitioner :Mr.C.Munusamy(both cases)

For Respondents :Mr.S.Udaya Kumar,
Govt. Advocate (Crl.Side)(both cases)

COMMON ORDER

The petitioner, who is the erstwhile Secretary of the Dhenkanikottai Co-operative Society, had committed misappropriation during the period between 31.01.2001 and 31.03.2006 a sum of Rs.1,09,000/-.

2. In this case, the petitioner, at the time of argument, found that PW-5 and PW-6, who had conducted the internal investigation not cross examined. Hence, he filed the petitions under Section 311 of Cr.P.C., to reopen and recall of PW-5 and PW-6 to cross examine them on 22.03.2024. The lower Court by a common order dated 28.05.2024 dismissed the petitions for the reason that the evidence of PW-5 and PW-6 were recorded on 10.03.2011 and almost 13 years thereafter, the petitions have been filed at the stage of argument, which is not proper. The petitioner's right of cross examination has now been denied.



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3. The learned Government Advocate(CrI.Side) appearing for the State submitted that in this case, the petitioner, who was working as Secretary of the Society, had misappropriated a sum of Rs.1,09,000/- as early as in the year 2001. The petitioner had collected the amount, but had not remitted the same to the Central Co-operative Bank and he had committed misappropriation on the fund of the society and also created false account. For falsification of bank account and misappropriate of the fund, the case has been registered. Before the lower Court enquiry report under Section 81 of Cr.P.C., marked and the enquiry officer examined. He further submitted that after 13 years, the petitioner now filed a petition to reopen and recall for PW-5 and PW-6 just to protract the proceedings.

4. Heard both sides and perused the records.

5. From the records, this Court finds that the petitioner had committed the offence in the year 2001 and after enquiry, the case registered in the year 2007, initially, the case taken on file as C.C.No.19



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of 2008 and the same was pending trial before the Judicial Magistrate, Dhenkanikottai. Later, it was transferred to the Judicial magistrate No.II, Krishnagiri and the case was taken on file in C.C.No.182 of 2021. The petitioner has not given any justifiable reason to show in what way prejudice is caused to the petitioner and he has not explained the reason for the delay in filing the petitions, the petitioner failed to show any reasonable and justifiable cause to reopen and recall the witnesses, after the case attained the stage of arguments. Recording the same, the trial Court has dismissed the petitions. This Court finds no reason to interfere with the order passed by the trial Court. Hence, these Criminal Original Petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed.

20.08.2024

Index:yes/no

Neutral citation:yes/no

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To:

- 1.The Judicial Magistrate No.II, Krishnagiri.
- 2.The Sub Inspector of Police, CCIW/CID,
Krishnagiri District.
- 3.The Public Prosecutor, High Court, Madras.



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M.NIRMALKUMAR, J.

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