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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty First day of June Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

Crl.M.P.(MD)Nos.6111, 6112 and 6114 of 2024

in

Crl.RC.(MD)Nos.591, 592 and 593 of 2024

R.RENGANATHAN

... PETITIONER/ APPELLANT/1st ACCUSED
in ALL THE PETITIONS

Vs

THE INSPECTOR OF POLICE
CCIWCD POLICE STATION,
PUDUKKOTTAI DISTRICT.

(CRIME NO.1/1998).

... RESPONDENT/RESPONDENT/COMPLAINANT
in ALL THE PETITIONS

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed upon the petitioner by the Honble Principal District and Sessions Judge, Pudukkottai in Criminal Appeal No.10/2019 dated on 26/10/2022 which was dismissed by confirming conviction and sentence imposed by the Learned Judicial Magistrate No.II, Pudukkottai in C.C.No.171 of 2018 dated 08.03.2019 and enlarge the petitioner on bail pending disposal of the above criminal.

Prayer in CRL RC(MD). 591/ 2024 :

To allow this Criminal Revision by setting aside the Judgement and Conviction dated 26/10/2022 passed by the Honble Principal District and Sessions Judge, Pudukkottai in Criminal Appeal No.10/2019 which is dismissed by confirming the conviction and sentence imposed by the Learned Judicial Magistrate No.II, Pudukkottai in C.C.No.171 of 2018 dated 08.03.2019.



Prayer in CRL MP(MD). 6112/ 2024 :

To suspend the sentence imposed upon the petitioner by the Honble Principal District and Sessions Judge, Pudukkottai in Criminal Appeal No.11/2019 dated on 26/10/2022 which was dismissed by confirming conviction and sentence imposed by the Learned Judicial Magistrate No.II, Pudukkottai in C.C.No.170 of 2018 dated 08.03.2019 and enlarge the petitioner on bail pending disposal of the above criminal.

Prayer in CRL RC(MD). 592/ 2024 :

To allow this Criminal Revision by setting aside the Judgement and Conviction dated 26/10/2022 passed by the Honble Principal District and Sessions Judge, Pudukkottai in Criminal Appeal No.11/2019 which is dismissed by confirming the conviction and sentence imposed by the Learned Judicial Magistrate No.II, Pudukkottai in C.C.No.170 of 2018 dated 08.03.2019.

Prayer in CRL MP(MD). 6114/ 2024 :

To suspend the sentence imposed upon the petitioner by the Honble Principal District and Sessions Judge, Pudukkottai in Criminal Appeal No.12/2019 dated on 26/10/2022 which was dismissed by confirming conviction and sentence imposed by the Learned Judicial Magistrate No.II, Pudukkottai in C.C.No.169 of 2018 dated 08.03.2019 and enlarge the petitioner on bail pending disposal of the above criminal.

Prayer in CRL RC(MD). 593/ 2024 :

To allow this Criminal Revision by setting aside the Judgement and Conviction dated 26/10/2022 passed by the Honble Principal District and Sessions Judge, Pudukkottai in Criminal Appeal No.12/2019 which is dismissed by confirming the conviction and sentence imposed by the Learned Judicial Magistrate No.II, Pudukkottai in C.C.No.169 of 2018 dated 08.03.2019.

Order : These Criminal Miscellaneous Petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.CHRISTOPHER, Advocate for M/S.THALAIMUTHARASU G, Advocate for the petitioner in all the petitions and of Mr.R.SIVAKUMAR, Government Advocate(Crl.side) on behalf of the Respondent in all the petitions while admitting the Criminal Revision Petition., the Court made the following order:-



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These petitions have been filed to suspend the sentence imposed upon the petitioner by the Principal District and Sessions Judge, Pudukkottai in Criminal Appeal Nos.10,11 and 12 of 2019 dated 26.10.2022 which was dismissed by confirming conviction and sentence imposed by the learned Judicial Magistrate No.II, Pudukkottai in C.C.Nos.171,170 and 169 of 2018.

2.The case of the prosecution is that the 1st accused was a Secretary of Viralimalai Primary Agricultural Co-operative Bank, Pudukkottai District. He was an Administrator of the said bank and has the rights to issue receipts on behalf of the bank and to maintain the profit and loss account, getting deposits and issue loans, collecting the same and was jointly responsible for the bank properties along with the Cashier and was managing the entire staffs. The 2nd accused is the Clerk in the above said bank and was maintaining the profit and loss accounts by performing as a Cashier and was jointly responsible for the bank properties along with the Secretary. The above 1st and 2nd accused have misappropriated the money in the bank account of a depositor one Ramanathan by creating fake documents and by rectifying his permanent receipt number as 332 instead of 832 and stated that they have given Rs.63,875/- on 27.04.1995 along with principal and interest since he has deposited Rs.66,000/- once and has withdrawn the same on 08.04.1995. Similarly, in



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the bank account of the depositor one Annamalai the amount has been misappropriated by creating fake documents and by rectifying his permanent receipt number 339 and had stated that they have given Rs.51,498/- on 19.09.1995 along with principal and interest since he has deposited Rs.50,000/- once and has withdrawn the same on 02.06.1995. Likewise they have misappropriated the money in the account of the same depositor and had wrongly maintained the accounts that they have given Rs. 1,00,875/- on 20.09.1995 with principal and interest as per the permanent receipt No.550 of the said Annamalai since he had deposited Rs.1,00,000/- once as per permanent receipt No.550 and the same has been withdrawn on 06.03.1995. The accused Nos.1 and 2 have misused their powers and has misappropriated a total sum of Rs.2,16,248/- in an intention to get higher profits.

In C.C.No.170/2018:-

The 1st accused was a Secretary of Viralimalai Primary Agricultural Co-operative Bank, Pudukkottai District. He was an Administrator of the said bank and has the rights to issue receipts on behalf of the bank and to maintain the day to day profit and loss account, getting deposits and issue loans, collecting the same and was jointly responsible for the bank proper- ties along with the Cashier and was



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managing the entire staffs. The 2nd accused is the Clerk in the above said bank and was maintaining the profit and loss accounts by performing as a Cashier and was jointly responsible for the bank properties along with the Secretary. The above 1 and 2 accused have misused their powers in an intention to grab the money have misappropriated the money in the bank account of a depositors and was not maintaining the records for the amount of Rs.85,000/- of the depositor Madhavan as per permanent deposit receipt No.565 on 05.12.1994 and Rs.50,000/- on 07.12.1994 as per permanent deposit receipt No.566 of the depositor one Annamalai and another Rs.50,000/- as per permanent deposit receipt No.567 and Rs.20,000/- as per permanent deposit receipt No.237 of the depositor Poolagounder Kamadhenu on 22.12.1994 and a deposit amount of Rs.6,000/- on 09.04.1994 as per permanent deposit receipt No.195. Further they have wrongly mentioned in the records that they have given Rs.75,500/- as loan to one Jothimani even though they have given Rs.1,500/- only and have misappropriated Rs.74,000/- and the accused No.1 and 2 have given Rs.92,700/- in the savings account of one Karuthan since they have given Rs.1,700/- alone on 08.04.1994 and have misappropriated Rs.91,000/- and totally a sum of Rs.3,70,000/- was misappropriated by the accused No.1 and 2 by way of manipulate the forged accounts.



In C.C.No.171/2018:-

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The 1st accused was a Secretary of Viralimalai Primary Agricultural Co-operative Bank, Pudukkottai District. He was an Administrator of the said bank and has the rights to issue receipts on behalf of the bank and to maintain the day to day profit and loss account, getting deposits and issue loans, collecting the same and was jointly responsible for the bank properties along with the Cashier and was managing the entire staffs. The 2nd accused is the Clerk in the above said bank and was maintaining the profit and loss accounts by performing as a Cashier and was jointly responsible for the bank properties along with the Secretary. The above 1st and 2nd accused have misused their powers in an intention to grab the money have misappropriated the money in the bank account of a depositors and have created the false account in the cash book that they have given Rs.22,176/- to the account of the depositor one Velusamy in Voucher no.3660 since they have given Rs.176/- on 13.05.1995 and have misappropriated at Rs.22,000/- and on 13.07.1995, they have given Rs.50,000/- to one Annamalai in Voucher No.1227 since there is no any voucher and have misappropriated the said sum of Rs.50,000/-. Further they have not given any receipts and have created a fake documents for the depositors that they have given Rs.2,000/- on 05.08.1995 to the depositor Vijayalakshmi as per deposit receipt No.651 and Rs.3,000/- on 17.06.1995 to the depositor Saroja as per



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deposit receipt No.254 and Rs.50,000/- on 15.09.1995 to the depositor Meenakshi as per deposit receipt No.807 and another Rs.50,000/- on 15.09.1995 as per deposit receipt No.802 and Rs.50,000/- on 20.09.1995 as per deposit receipt No.803 and another Rs.50,000/- on 20.09.1995 as per deposit receipt No.804 from the depositor Annamalai and totally the accused 1 and 2 have misappropriated Rs.2,77,000/- from the depositors by way of manipulated the forged accounts.

3. On the basis of the complaint, a case came to be registered in Crime No.1 of 1998 for the offences under Sections 408, 477A, 467, 468 and 471 of IPC.

4. The respondent police, after completing the investigation, has laid a final report for the offences under Sections 408, 477A, 467, 468 and 471 of IPC. The same was taken on file in C.C.Nos.171,170 and 169 of 2018 on the file of the learned Judicial Magistrate No.II, Pudukottai.

5. During trial, the prosecution has examined 16 witnesses as P.W.1 to P.W.16 and exhibited 185 documents as Ex.P.1 to Ex.P.185 and no Material Objects marked. However, neither a witness was examined nor a document was exhibited on the side of the accused.



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6. The learned Judicial Magistrate No.II, Pudukottai, after full-fledged trial, has passed the judgment in C.C.Nos.171,170 and 169 of 2018 dated 08.03.2019 and convicted the petitioner/accused for the offence under Section 409 of IPC and sentenced him to undergo 1 year Rigorous Imprisonment and to pay a fine of Rs.500/-, in default, to undergo for 1 month Simple Imprisonment and also to undergo 1 year Rigorous Imprisonment under Section 477A. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeals before the Principal District and Sessions Judge, Pudukkottai in Criminal Appeal Nos.10,11 and 12 of 2019. However, the same was dismissed on 26.10.2022. thereby confirming the punishment imposed on the petitioner. Aggrieved over the above said conviction and sentence, imposed by the Courts below, the petitioner preferred the present Criminal Revision case along with the present Miscellaneous Petition seeking for suspension of sentence.

7. The learned counsel for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner is in custody. Hence, he seeks suspension of sentence.



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8. The learned Additional Public Prosecutor appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed this petition.

9. This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record.

10. The petitioner is said to have committed the offence under Sections 408, 477A, 467, 468 and 471 of IPC. The learned counsel for the petitioner pointed out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. So this Court *prima facie* satisfied that there are arguable points involved in this Criminal Revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is in custody. Hence, the petitioner is entitled to the relief of grant of suspension of sentence.

11. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-



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(i) The petitioner shall execute a bond for a sum of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand only) in CrI.R.C.(MD)No.591 of 2024, Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) in CrI.R.C.(MD)No.592 of 2024 and Rs.1,00,000/- (Rupees One Lakh only) in CrI.R.C.(MD)No.593 of 2024 with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Pudukottai.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-
21/06/2024

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/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RJR



TO
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- 1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, PUDUKOTTAI.
- 2 THE JUDICIAL MAGISTRATE NO.II
PUDUKKOTTAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 4 THE INSPECTOR OF POLICE
CCIWCD POLICE STATION, PUDUKKOTTAI DISTRICT.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+3 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-6787, 6788 & 6789[I] dated
21/06/2024)

ORDER
IN
Crl.M.P.(MD)Nos.6111, 6112 and 6114 of 2024
in
Crl.RC.(MD)Nos.591, 592 and 593 of 2024
Date :21/06/2024

SS/SAR- /24/06/2024/11P/10C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023