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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserved	29/10/2024
Date of Pronounced	19/11/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.RC(MD)No.1016 of 2024
and
Crl.MP(MD)No.11281 of 2024

R.Booma : Petitioner/ Petitioner Accused No.2

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
DCB, Karur. : Respondent/ Respondent/ Complainant

PRAYER:-Criminal Revision is filed under section 397 r/w 401 of Cr.P.C/483 r/w 442 of BNSS, to call for the records relating to the impugned order passed in Crl.MP No.1646 of 2019 in CC No.2 of 2019 on the file of Additional District Court (CBI cases), Madurai, dated 29/08/2024 and to set aside the same as illegal and pass such further orders.

For Petitioner : Mr.D.Kirubakaran
for M/s.Saravanan Associates

For Respondent : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)

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J U D G M E N T

This criminal revision is filed against the order, dated 29/08/2024 passed in Crl.MP No.1646 of 2019 in CC No.2 of 2019 by the Additional District Court (CBI cases), Madurai.

2.**The facts in brief**:-

South Indian Bank branch is located at Kaniyalampatti in Kadavur Taluk, Karur District. It used to sanction jewels loan to the customers. A1 and A2 are the husband and wife. They were running a Pawn Broker shop in the name and style of Sivam Jewellery situated in No.4/39, Manaparai Road, Tharagampatti, Kadavur Taluk. A1 was the President of a political party of Kadavur Union. A3 was the Appraiser working in the said Bank. A4 was the Branch Manager between the period 12/03/2012 and 19/04/2013. A6 is the professional Goldsmith in the above said village. In the course of business, A4 and A5 were entrusted with the money of the Bank for genuine transaction. On 01/05/2012, A1 to A4 hatched a criminal conspiracy to create forged accounts, loan forms, withdrawal slips, bank cheques, by impersonating some unknown persons and used the signature as genuine. In the course of the same transactions and in furtherance of the conspiracy, loan was sanctioned in favour of A1. A1

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collected the Xerox copy of the Ration Card of various persons in and around the village, used the same for committing the crime, opened the account in the name of the fictitious persons, for which A4 and A5 were assisting. By that process, they misappropriated huge amount of 6,33,26,700/-, thereby A1 and A2 committed the offences under sections 120(B), 468, 471, 420, 201, 109 and 416 IPC; and A3 to A5 have committed the offences under sections 120(B), 468, 471, 409, 420, 109 and 416 IPC.

3.This petitioner is the wife of A1 as stated above. She filed a petition in Crl.M.P No.1646 of 2019 in CC.No. 2 of 2019 under section 239 of Cr.P.C on the file of the II Additional District Judge (CBI Cases), Madurai, seeking discharge on the ground that even as per the final report filed by the police, no specific overt-act is attributed against her; She has been roped simply because of A1 is her husband; She does not know to read and write or know English language; No evidence was collected by the Investigating Officer to show that she signed in the documents alleged to have been forged.

4.After hearing both sides, the trial court dismissed the petition finding that during the course of

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investigation, this petitioner's involvement was found out as spoken by the witnesses through their statement recorded under section 161(3) Cr.P.C and dismissed the petition.

4.Against which, this criminal revision is preferred.

5.Heard both sides.

6.No doubt that this petitioner is the wife of A1. As mentioned above, according to her, no specific overt-act is attributed against her even in the final report. No evidence was collected to show her involvement.

7.Section 120(B) IPC is also charged against this petitioner. When section 120(B) IPC is charged, only the evidence before the trial court will bring out the truth, whether this petitioner has also participated in the conspiracy or not.

8.Perusal of the CD file does indicate that there is strong allegation against this petitioner stating that accounts were opened in the name of the petitioner also. During the course of the enquiry by the Bank Officials, this petitioner was also called and present

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and gave statement. In fact, a portion of the amount was deposited by the first accused Rajendran. This petitioner gave property documents for security towards the settlement of the entire amount involved. In the complaint given by the de-facto complainant, there is sufficient indication about the involvement of this petitioner.

9.In some of the account opening forms, this petitioner signed as introducer. As mentioned above, the accounts were opened in fictitious names. Since enough materials have been collected during the course of the investigation to show the involvement of the petitioner, I am of the considered view that the order of dismissal passed by the trial court requires no interference.

10.In the result, this criminal revision is **dismissed** confirming the order passed by the trial court. Consequently, connected Miscellaneous Petition is closed.

19/11/2024

Index:Yes/No
Internet:Yes/No
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To,

1.The II Additional District Court (CBI cases),
Madurai.

2.The Inspector of Police,
DCB, Karur.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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