



Crl.O.P.(MD)No.20791 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20791 of 2024

and Crl.M.P(MD).Nos.12864 and 12865 of 2024

1.Muniyasamy
2.Samaya Prabhu
3.Kannan
4.A.Balamurugan
5.Kannaki
6.Anandhavalli
7.Jeeva
8.Chitravelu

: Petitioners

Vs.

1.State rep., by
The Inspector of Police,
DCB Police Station,
Ramnathapuram.
Crime No.18 of 2022

2.K.Shesan

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the final report in CC.No.380 of 2024 on the file of the learned Judicial Magistrate Court NO.II, Ramanthapuram in Crime No.18 of 2022 on the file of the first respondent police dated 29.12.2022 and quash the same as illegal as against the petitioners alone.



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For Petitioner : Mr.T.Seeni Syed Amma
for M/s.Roy and Roy Associates
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

ORDER

The petitioners, who are accused and facing trial in CC.No.380 of 2024 for the offences under Sections 409, 420 and 120B of IPC, has filed this quash petition.

2. The case against the petitioners is that when they are employed in the Government Treasury Department, they had misappropriated the Government funds by manipulating computer system falsifying the account and thereby, cheated the Government to the tune of Rs. 1,88,74,719/-. The Government servant beneficiaries accounts have been manipulated, whenever they approached for any commutation of their benefits. The victims are all pensioners, whose pension accounts have been manipulated, commutation has been made and that amount has been misappropriated by the petitioners.



3. The learned Government Advocate (Crl.side) strongly opposed this petition.

4. The learned counsel for the petitioners, at this stage, without going into the merits, had only requested that the first petitioner is the Government servant and others are his relatives, due to above case, the petitioners' career is getting affected and limits the prayer to complete the trial within a stipulated period.

5. The learned Government Advocate (crl.side) submitted that there are only 23 witnesses in this case and the respondent police would produce the witnesses without delay and make all attempts to complete the trial within a stipulated period, preferably, within a period of one year.

6. The learned counsel for the petitioners submitted that the personal appearance of the petitioners can be dispensed with and further submitted that they shall give an undertaking that they will be present before the Court as and when directed and recording of evidence in their absence will not be objected and their identity will not be disputed.



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7. Considering the above, this Court on merits is not entertaining this petition and hence, this Criminal Original Petition is dismissed. The learned Judicial Magistrate No.II, Ramnathapuram, is directed to complete the trial in CC.No.380 of 2024 within one year from the date of receipt of a copy of this order. The trial Court is also directed to consider 317 Cr.P.C., petition as and when filed by the petitioners, without insisting their presence, unless it is absolutely necessary. Consequently, connected Miscellaneous Petitions are closed.

28.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
Rmk

To

- 1.The Judicial Magistrate No.II,
Ramnathapuram.
- 2.The Inspector of Police,
DCB Police Station,
Ramnathapuram.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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