



Crl.R.C.Nos.1504 & 1566 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.Nos.1504 & 1566 of 2023

Elango Petitioner in
Crl.R.C.No.1504 of 2023

Jaganathan Petitioner in
Crl.R.C.No.1566 of 2023

Vs

The State represented by the
Inspector of Police,
CCIW CID,
Namakkal.
Crime No.3 of 2009

.... Respondent in both Crl.R.Cs

COMMON PRAYER: Criminal Revision Cases are filed under Sections 397 r/w 401 of Code of Criminal Procedure, to set aside the Judgment dated 31.07.2023 in C.A.No..96 of 2021 on the file of the I Additional District and Sessions Judge, Namakkal, confirming the judgment dated 13.09.2021 in C.C.No.604 of 2020 on the file of the Judicial Magistrate No.II, Namakkal and to allow the above Criminal Revision.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)



Crl.R.C.Nos.1504 & 1566 of 2023

WEB COPY

ORDER

These revisions have been filed as against the Judgment dated 31.07.2023 passed in C.A.No.96 of 2021 on the file of the I Additional District and Sessions Judge, Namakkal, confirming the order dated 13.09.2021 passed in C.C.No.604 of 2020 on the file of the Judicial Magistrate No.II, Namakkal, thereby convicting the petitioners for the offences punishable under Sections 120B, 408, 467, 471 and 477A of IPC.

2. The case of the prosecution is that the victims had entrusted loan documents to the accused for the purpose of availing loan by creating a charge over their immovable properties. However, the accused misused the entrusted the loan documents and manipulated bank records to falsely show that the victims had been disbursed loan amounts, thereby misappropriated the same. After completion of the investigation, the respondent filed a final report and the same has been taken cognizance by the Trial Court.

3. On the side of the prosecution, P.Ws.1 to 13 were examined and Exs.P1 to P25 were marked. On the side of the accused, no witnesses were examined and no documents were marked. On perusal of the oral and documentary evidence, the Trial Court found the accused guilty of the offences



Crl.R.C.Nos.1504 & 1566 of 2023

under Sections 120B, 408, 467, 471 and 477A of IPC and sentenced them to

undergo simple imprisonment for a period of three months and to pay fine of Rs.500/-, in default to undergo one month simple imprisonment for the offence under Section 120B of IPC and to undergo one year simple imprisonment and to pay fine of Rs.1,000/- in default to undergo one month simple imprisonment for the offence under Sections 408, 467, 471 and 477A of IPC. Aggrieved by the same, the accused 2 and 3 preferred appeal and the same was also dismissed and confirming the order passed by the Trial Court. Hence, the second and third accused preferred these separate revisions before this Court.

4. The learned counsel appearing for the petitioner in Crl.R.C.No.1566 of 2023 would submit that the prosecution has miserably failed to prove the charges against the petitioner, who is arrayed as A2. While the petitioner was working as Co-operative Sub Registrar/Special Officer, the loan documents, which were furnished by the victims, were misused by the other accused persons, who misappropriated the loan amounts. No witness has specifically spoken about the petitioner and no specific overt act as against the petitioner. Though the petitioner had signed cheques and had withdrawn the amounts, no loss was caused to the Society. In fact, after enquiry conducted under Section 81 of the Tamil Nadu Co-operative Societies Act, there was



recovery. He further submitted that at the time of suspension of sentence, the

petitioner had deposited a sum of Rs.2,00,000/- to the credit of the Trial Court.

He also submitted that the petitioner is aged about 72 years and has already undergone imprisonment for a period of more than three months.

5. The learned counsel appearing for the petitioner in Crl.R.C.No. 1504 of 2023 would submit that the petitioner is arrayed as A3. The petitioner was working as an Office Assistant and it is his case that the cheques issued in his name were withdrawn and the amounts were handed over to A1 and A2. He further submitted that he has nothing to do with the charges as alleged by the prosecution.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. A perusal of the records reveals that P.Ws.3 to 5 have categorically deposed about the specific overt acts committed by both petitioners/A2 & A3 and based on such evidence, the Trial Court convicted the petitioners. The learned counsel appearing for the third accused specifically contended that the petitioner merely signed the cheque and did not issue it on



CrI.R.C.Nos.1504 & 1566 of 2023

his own. He was one of the authorized signatories, and the cheque in question

was jointly signed by him and A1, with the name of A4 mentioned as the drawer of the cheque, thereby facilitating misappropriation of the amount. That apart, the enquiry conducted under Section 81 of the Tamil Nadu Co-operative Societies Act is clearly established that the accused persons had misappropriated the amount by misusing the loan documents, which was produced by P.Ws. 4 and 5, to the tune of Rs.56,400/- and 1,83,000/- respectively. Hence, the prosecution proved the charges beyond reasonable doubt.

8. Further, insofar as the sentence is concerned, both the petitioners have undergone imprisonment for more than three months. The amount, which was misappropriated by the accused, has already been deposited by the first accused. That apart, a sum of Rs.2,00,000/- is now lying to the credit of the Society, pursuant to the order of this Court dated 01.12.2023, passed at the time of suspending the sentence.

9. Considering the above facts and circumstances of the case, this Court is inclined to modify the sentence of imprisonment imposed on the petitioners from one year to the period already undergone by the petitioners. It



Crl.R.C.Nos.1504 & 1566 of 2023

is made clear that whatever the amount deposited by the petitioners herein to

the credit of the Society cannot be withdrawn by the petitioners.

10. In the result, both the Criminal Revision Petitions are partly allowed.

18.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

1. The I Additional District and Sessions Judge,
Namakkal.

2. The Judicial Magistrate No.II,
Namakkal.

3. The Inspector of Police,
CCIW CID,
Namakkal.

4. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.R.C.Nos.1504 & 1566 of 2023

G.K.ILANTHIRAIYAN, J.

Lpp

Crl.R.C.Nos.1504 & 1566 of 2023

18.06.2025