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CRL.RC.No.1524 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL.RC.No.1524 of 2025

R.Purushothaman

...Petitioner

Vs

State Rep. by its
The Inspector of Police,
Coimbatore District Commercial,
Crime Investigation Wing,
Coimbatore.
(Crime No.5 of 2020)

...Respondent

PRAYER

Criminal Revision Case filed under Section 438 r/w. 442 BNSS Act, against the order passed in Crl.M.P.No.25813 of 2024, dated 28.10.2024 on the file of the Judicial Magistrate – IV, Coimbatore whereby dismissing the discharge petition filed by the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Dr.C.E.Pratap
Government Advocate (Criminal Side)



ORDER

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This criminal revision petition is filed by the petitioner challenging the order passed in Crl.M.P.No.25813 of 2021, dated 28.10.2024 on the file of the Judicial Magistrate – IV, Coimbatore whereby dismissing the discharge petition filed by the petitioner.

2.Heard learned counsel for the petitioner, learned Government Advocate for the respondent Police and perused the materials available on record.

3.Learned counsel for the petitioner submitted that the petitioner is a former president of the Society and was arrayed as A3 in this case for the offence under Sections 467, 468, 471, 477(A), 408 IPC r/w. 120(B) IPC. The defacto complainant initiated surcharge proceedings under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983. He further submitted that only A1 and A2 had committed the offence. The petitioner has been falsely implicated in this case and he filed a discharge petition before the Trial Court, the Trial Court dismissed the petition held that the petitioner failed to maintain the accounts book properly.

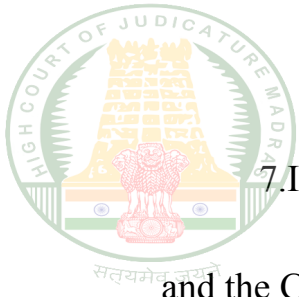


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4.Learned Government Advocate (Criminal Side) for the respondent that the case of the prosecution is that the petitioner is bound to maintain the account of the Society and therefore, the petitioner is also liable for the misappropriation of Rs.7,25,000/- caused loss to the Society. He further submitted that the above said amount has been recovered from A1 and A2.

5.On perusal of records, it is seen that the surcharge proceedings under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983 was initiated as against A1 and A2 and not against the petitioner and there is no prima facie case has not been made out against the petitioner. It is also seen that A1 and A2 had misappropriated the Societies fund of Rs.7,25,000/- and the same was recovered from them.

6.Considering the above facts and circumstances and the submission made by the learned counsel on either side, this Court is inclined to set aside the findings of the Trial Court and accordingly, the order passed by the Trial Court in Crl.M.P.No.25813 of 2024, dated 28.10.2024 is set aside.



7. In view of the above, the petitioner is discharged from the proceedings

and the Criminal Revision is allowed.

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Index : Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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To
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- 1.The Judicial Magistrate – IV,
Coimbatore.
- 2.The Inspector of Police,
Coimbatore District Commercial,
Crime Investigation Wing,
Coimbatore.
(Crime No.5 of 2020)
- 3.The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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