



Crl.R.C(MD)No.538 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2025

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C(MD)No.538 of 2025
and Crl.M.P(MD).Nos.5780 and 5782 of 2025

Manivannan

... Petitioner

Vs.

State of Tamil Nadu rep., by
The Inspector of Police,
Vallathirakotti Police Station,
Pudukottai District.
Crime No.37 of 2016

... Respondent

Prayer : Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records pertaining to the order dated 12.03.2025 passed in Crl.M.P.No.291 of 2023 in C.C.No.56 of 2022 on the file of the learned Judicial Magistrate No.I, Pudukottai and set aside the same.

For Petitioner : Mr.N.Kumanan

For Respondent : Mr.M.Sakthikumar
Government Advocate (Crl.side)



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Crl.R.C(MD)No.538 of 2025

ORDER

This criminal revision case is directed against the order passed by the learned Judicial Magistrate Court No.1, Pudukottai, in Crl.M.P.No. 291 of 2023 in C.C.No.56 of 2022, dated 12.03.2025.

2. The prosecution case is with respect to the offence registered against the petitioner under Section 420 and 506(i) of IPC for having defrauded the defacto complainant by receiving amount to the tune of Rs.45,000/- in his account on the promise of getting a job for the defacto complainant's son. The date of complaint lodged by the defacto complainant was on 13.05.2016, on which date itself, an FIR came to be registered by the respondent police. Seeking to discharge the petitioner, who has been implicated as A6 in the aforesaid case, the petitioner had filed a discharge petition under Section 239 of Cr.P.C., before the Judicial Magistrate Court No.1, Pudukkottai. However, the same was dismissed. Challenging the same, this Criminal Revision Case is filed.

3. The learned counsel for the petitioner submitted that the date of complaint was on 13.05.2016, the complaint is in the nature that the



Crl.R.C(MD)/No.538 of 2025

petitioner had defrauded the defacto complainant under the pretext of securing employment for his son, for which, the petitioner had received a sum of Rs.45,000/- in his account bearing No.9130 1000 9708701, Axis Bank, Mylapore Branch, Chennai. The said amount is alleged to have been transferred from the defacto complainant's account maintained at Indian Bank, Pudukkottai Branch.

4. However, it is pointed out by the learned counsel for the petitioner that a careful perusal of the petitioner's account details from the year 2013 up to the date of complaint i.e., on 13.05.2016 would reveal that no such amount was credited to the petitioner's account. Certified copies of the Petitioner's account statement for the period from 30.03.2013 to 31.12.2016 have been placed before this Court for perusal.

5. The learned Government Advocate (Crl.side) fairly conceded that during the said particular period of time, no amount was credited in the petitioner's account from the defacto complainant's account. However, he pointed out that this defence had not been raised by the petitioner before the trial Court.



Crl.R.C(MD)No.538 of 2025

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7. I have carefully perused the impugned order as well as the statement of the petitioner's account maintained in Axis Bank, bearing Account No.913010009708701 for the period from 01.01.2013 to 31.12.2016. It can be clearly understood that the alleged amount has not been transferred from the account of the defacto complainant maintained at Indian Bank, Pudukkottai Branch to the petitioner's account mentioned supra. Therefore, the overt act alleged by the defacto complainant as against the petitioner cannot be made out and the trial Court ought to have verified the same before passing the impugned order. Accordingly, the impugned order made in Crl.M.P.No.291 of 2023 in C.C.No.56 of 2022 dated 12.03.2025 passed by the learned Judicial Magistrate No.I, Pudukkottai, is hereby set aside and the Revision Petitioner is discharged from C.C.No.56 of 2025 pending before the learned Judicial Magistrate No.1, Pudukkottai.



Crl.R.C(MD)No.538 of 2025

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8. In result, this Criminal Revision Case is allowed. Consequently,
connected Miscellaneous Petitions are closed.

10.06.2025

NCC: Yes/No
Index: Yes/No
Rmk

To

- 1.The Judicial Magistrate No.I, Pudukottai.
- 2.The Inspector of Police,
Vallathirakotti Police Station,
Pudukottai District.



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Crl.R.C(MD)No.538 of 2025

L.VICTORIA GOWRI,J.

Rmk

Crl.R.C(MD)No.538 of 2025

10.06.2025