

CrL.R.C.(MD)No.752 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.752 of 2025

and

CrL.M.P.(MD)Nos.8124 and 8126 of 2025

Sundaram

... Petitioner

-VS-

State of Tamil Nadu represented through
The Inspector of Police,
CCIW, Madurai.
Crime No.2 of 2015

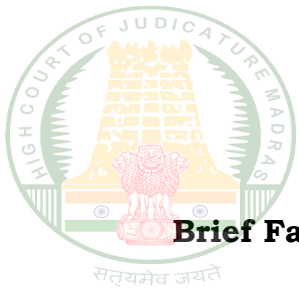
... Respondent

PRAYER : Criminal Review Case filed under 397 r/w. 401 of Cr.P.C., to call for the records pertaining to the order passed in CrL.M.P.No.4338 of 2023 in C.C.No.7 of 2018 on the file of the learned Judicial Magistrate NO.III, Madurai, dated 17.04.2025, and set aside the same.

For Petitioner	: Mr.K.Govindarajan For Mr.P.T.Ramesh Raja
For Respondent	: Mr.M.Sakthi Kumar, Government Advocate

ORDER

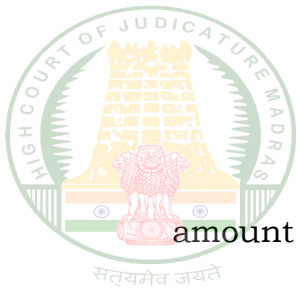
Challenging the order passed by the learned Judicial Magistrate No.III, Madurai, in CrL.M.P.No.4338 of 2023 in C.C.No.7 of 2018, dated 17.04.2025, this Criminal Revision Case is filed by the petitioner.



Brief Facts of the Case:-

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2.The petitioner, who is arrayed as A1 in C.C.No.7 of 2018, was employed as an Assistant in P1 Section of the Madurai District Central Cooperative Bank Limited and was dismissed from service on 28.07.2015. An enquiry report dated 13.07.2012, formed the basis for registration of a criminal case against four accused persons on 19.02.2015. A final report was later filed on 31.01.2018, against 10 accused for offences punishable under Sections 403, 406, 408, 409, 467, 468, 477(A), 201, 109 and 120-B of Indian Penal Code. Seeking discharge from the aforesaid offences, the petitioner filed a petition under Section 239 of Cr.P.C., before the learned Judicial Magistrate No.III, Madurai. The petitioner joined service on 12.09.2008 as a P1 Section Assistant and was assigned responsibilities related to crop insurance, statutory returns, and arrangement of meetings. He was not entrusted with any monetary disbursement functions. Under the Agricultural Insurance Scheme, an amount of Rs.1,27,84,095/- was allotted to the Madurai District Central Cooperative Bank. On receipt of the said amount on 23.01.2009, a circular was issued by the Special Officer for disbursement to the respective societies. The petitioner, based on directions from higher authorities (accused 7 and 8), prepared the necessary file in R.C.No.21/2004-2005/P1 and routed it through proper channels. The funds were released only upon sanction by the General Manager/Nodal Officer (A8), namely P. Ramanathan. The petitioner's duty was limited to verify the insurance proposals and to check the premium



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amount before forwarding them to the insurance company. He was not involved in any financial transactions. No financial loss was alleged to have been caused to the Bank due to his actions. The alleged misappropriation pertained to the Valandur Primary Agricultural Society, in which the main accused was one A.C.Murugan (A2), Secretary of said society.

3.The complaint was filed by the Deputy Registrar of Cooperative Societies, Usilampatti Circle, based on an enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act. The report did not specifically recommend criminal prosecution and was vague. The petitioner contended that A5 to A8, his superior officers, on whose instructions he acted, were already discharged by the learned Trial Court. Four other accused persons had passed away. He further submitted that the discharge petition was filed only in July 2023, prior to framing of charges. The learned Magistrate dismissed the discharge petition, observing that the question as to whether the accused fraudulently prepared the list of society-wise beneficiaries and signed the same could be adjudicated only during trial.

Submissions:-

4.The learned counsel appearing for the petitioner argued that the petitioner was merely a subordinate employee, who acted on the instructions of those who have been discharged. The discharge petitions filed by A5 to A8 were allowed as early as 14.11.2018. The petitioner's



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delay in filing the discharge petition was not fatal, as it was filed before the commencement of trial.

5.The learned Government Advocate (Crl.) appearing for the respondent contended that the discharge petitions filed by A3, A4, A9 and A10 were dismissed by the learned Trial Court and those filed by A5 to A8 were allowed on 14.11.2018. The petitioner herein, however, did not file his discharge petition at that stage and chose to file the same only after a lapse of five years.

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

Findings:-

7.As rightly pointed out by the learned Government Advocate (Crl.), the Central Government had implemented a Crop Insurance Scheme to protect agriculturists from unforeseen calamities by offering insurance coverage at subsidized rates. The scheme mandates preparation of beneficiary lists based on premiums paid by the farmers and the extent of landholdings. It is alleged that the petitioner along with other accused/officials of the nodal bank, manipulated records to show that Valanthur Primary Agricultural Cooperative Society was entitled to receive an inflated amount of Rs.21,95,403.37/- for the year 2007 (as against the

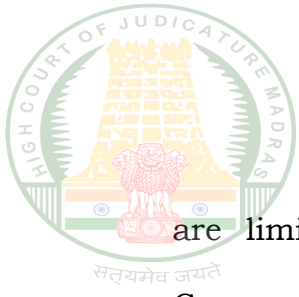


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actual eligible amount of Rs.8,368/-) and Rs.25,66,539.64/- for the year 2008 (as against Rs.6,81,490/-). These fraudulent entries were allegedly made by the petitioner in the relevant note sheets, followed by the preparation of forged credit invoices, which facilitated the misappropriation of funds. The charge sheet was filed upon completion of investigation. The petitioner has not raised any new grounds in his discharge petition apart from what has already been considered during the proceedings of the co-accused.

8.It is a well-settled principle that discharge can be granted only in cases where the complaint or charge sheet is patently absurd or lacks *prima facie* substance. The learned Trial Court has already taken cognizance of the final report and has given due consideration to the petitioner's role in enabling the alleged misappropriation.

9.In view of the above facts, this Court finds no legal infirmity in the dismissal of the discharge petition by the learned Judicial Magistrate. Accordingly, this Criminal Revision Petition stands dismissed. The learned Trial Court is directed to proceed with the case in C.C.No.7 of 2018 expeditiously, uninfluenced by any of the observations made herein, which



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are limited to the disposal of the present Revision Case. No Costs.

Consequently, connected miscellaneous petitions are closed.

22.07.2025

NCC :Yes/No

Index :Yes/No

Internet : Yes

Mrn

To

- 1.The Judicial Magistrate No.III, Madurai.
- 2.The Inspector of Police,
CCIW, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Mrn

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