

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 607-612 OF 2009

[Arising out of SLP(Crl.) Nos. 6721-6726/2008]

K. SADANANDAM ... **APPELLANT(S)**

:VERSUS:

STATE OF TAMIL NADU REP. BY INSPECTOR OF POLICE ... **RESPONDENT(S)**

ORDER

Leave granted.

The appellant before us was a Special Officer of Peenalurpettai Primary Agricultural Co-operative Bank. According to the appellant, the allegation made as against the accused persons including the appellant, was that they, in conspiracy with each other, misappropriated the amount belonging to the said Bank while purporting to grant loan.

Indisputably, the main accused, namely, M. Dhasarathiah committed suicide. It also appears from the records that his wife had deposited the entire amount alleged to have been misappropriated.

The appellant had filed an application under Section 482 of the Code of Criminal Procedure (Cr.P.C.) before the High Court for quashing the charge-sheet filed by the respondent. While the said application was pending, other accused persons filed applications for their discharge which were allowed on identical facts as pertaining to the case of the appellant. In the aforementioned situation, the appellant filed an application for discharge before the Trial Court. However, before filing of the said application by the appellant, an order directing framing of charge(s) had already been passed on 13.8.2004. In that view of the matter, the learned Trial Judge refused to entertain the discharge application filed by the appellant, which, in our opinion, was correct as charges having already been framed the question of entertaining the discharge application did not arise.

The appellant filed a revision application thereagainst before the High Court. By reason of the impugned order the High Court has dismissed the revision application filed by the appellant.

However, keeping in view the peculiar facts and circumstances of this case, we are of the opinion that as similar matters have been dealt with in a particular manner by the learned Trial Judge; for doing complete justice to the parties, we in

exercise of our jurisdiction under Article 142 of the Constitution of India, hereby set aside the order dated 13.8.2004 framing charge against the appellant and consequently the impugned judgments and direct that the learned Trial Judge shall proceed to dispose of the application for discharge filed by the appellant as if no order framing charge had been passed by it.

The appeals are disposed of with the aforementioned observation and direction.

We make it clear that we have passed this order in exercise of our extraordinary jurisdiction under Article 142 of the Constitution of India and it shall not be treated as a precedent.

**.....J
(S.B. SINHA)**

**.....J
(Dr. MUKUNDAKAM SHARMA)**

**NEW DELHI,
MARCH 30, 2009.**