

**In the court of the Judicial Magistrate No.II, Usilampatti.
Present : Thiru.G. Sathia Narayanan., B.A.,B.L.,
Judicial Magistrate No.II, Usilampatti,**

Tuesday 2nd day of September 2025

E-Filing Cr.M.P. No. 2596/2025

Alex pandian

.....Petitioner/ 2nd Accused

-vs-

The state through Inspector
of Police,
Checkanurani P.S. in Cr.No.373/2018

..... Respondent

This discharge petition came up before me for final hearing on this day in the presence of Tr.K.Bose, Advocate for the petitioner/2nd accused and the Learned Assistant Public Prosecutor for the respondent and upon hearing the arguments of both sides, this court delivers the following:-

ORDER

This Discharge Petition has been filed under section 239 Cr.P.C to enlarge the petitioner/ 2nd accused that he was charged U/s 406, 420, 465, 468, 471 IPC.

1. The petitioner/2nd accused has filed this petition to discharge him from this case. The case of the petitioner is that the LW1 who is a Insurance Company Branch Manager has given this complaint against the A1 for providing forged Insurance policy in a accident claim petition. This petitioner was added as accused A2 in the final report stating that the A2 as an Insurance Agent has furnished the said forged Insurance policy to A1. But there is no document to

show that the said petitioner/ 2nd accused has fabricated the said Insurance policy. As per the final report, A2 was included in this case based on the statement of A1. And confessional statement of A2 was obtained. But no recovery was made with regard to electronic devices such as computer hard disk etc from one Computer Centre at Madurai as stated in the final report. Hence this petition.

2. It is a settled position of law that if the accused is able to demonstrate that there is no ground to proceed with the trial or the charges leveled against the accused is baseless, then the accused can be discharged.
3. In this case, on perusal of the final report, 161 statements of witness it is stated that the petitioner/ 2nd accused has forged the said Insurance policy by altering the period as 12.10.2016 to 11.10.2017. As per the confession statement of A2, the said policy was forged in a Computer Centre in Madurai.
4. But no details of said computer centre was provided. There was no recovery with regard to any electronic device such as Hard disk etc to prove the said forgery. Except the said confession of A2, no other material is available on records against the petitioner/ 2nd accused.
5. Hence this court holds that the charge against the petitioner / 2nd accused is baseless and so the petitioner / 2nd accused is discharged from this case.

In the result, this petition is allowed.

Pronounced by me in the open court, on 2nd day of September 2025.

Judicial Magistrate No.II,
Usilampatti.