

IN THE COURT OF THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI

PRESENT : Thiru. P. SELVAM, B.Sc. B.L.,  
Judicial Magistrate No.I,  
Sivagangai

Tuesday, the 24th day of March 2026

Cr1.MP.No.7376/2019

in

C.C.No.114/2019

Rama.Kasi,  
Secretary,  
Sambavika Trust and Sambavika school,  
23, Parani street, Senthamil Nagar,  
Sivagangai.

... Petitioner/Complainant

Vs.

Rani,  
W/o. A.M.Sekar,  
1595/B, Senivasa Nagar,  
Thondi Road,  
Sivagangai.

... Respondent/2nd Accused

The petition came up for final hearing before me on 24.03.2026 in the presence of Thiru.S.Chandrasekaran, B.A.,B.L., learned Counsel for the Petitioner/ Complainant and Thiru.K.Balachandran, B.Sc.,B.L., learned Counsel for the Respondent/Accused, I made the following.

**ORDER**

1. This petition has been filed by the petitioner/2nd accused U/S. 245 of Crpc.
2. The learned Counsel for the petitioner submitted that the Sambavika Schools have been functioning under the Sambavika Trust. The petitioner/2nd accused and her

husband/1st accused had been member of the board of trustees from 2006 under the supervision of complainant. Thereafter, the complainant resigned the Secretary post in the Board of Trustee in the year of 2012 due to the personal reason. In the pursuance, the 1<sup>st</sup> accused took the charge of Secretary by the consent of other board of members. Accordingly, the 1<sup>st</sup> accused was functioning as Secretary from 23.08.2012 to 22.08.2015. When, the 1<sup>st</sup> accused was functioning as a Secretary, he built additional school buildings and purchased vehicles for the student welfare with the consent of other members of the Trust. The 2<sup>nd</sup> accused was a member of board of Trustees. The 1<sup>st</sup> and 2<sup>nd</sup> accused acted as a responsible person as per by law's of trust. Moreover, the 2<sup>nd</sup> accused is not active person for the Administration. Whereas, she has been implicated as an accused only because of the wife of 1<sup>st</sup> accused. There is no any specific overred act attributed against the 2<sup>nd</sup> accused. Moreover, the complaint made criminal complaint against 1<sup>st</sup> and other co-accused person in District Crime Branch, Sivagangai. Accordingly, the case was registered against 1<sup>st</sup> accused and other Administrative members of the Sambavika Trust in Cr.No.26/2019. Thereafter, the case was referred as no prima facie case made out against the accused persons. Moreover, there are many civil cases pending in O.S.No.68/2013, O.S.No.100/2015, C.M.A.No.4/2014 for pertaining to the accounts of trust. In the meanwhile, the complainant has filed this private complaint against the petitioner/2nd accused and other accused persons without showing the transaction of trust during the period of 2012 to 2015. Moreover, the 1<sup>st</sup> accused made transaction through the bank account for the administration purpose. The allegation for accumulation of property by the swindle the money from the trust is not substantiated through valid documents on the side complainant. The petitioner/2nd accused has not implicated individually in the occurrence. She has simply made allegation for assist

with the 1<sup>st</sup> accused for miss use the fund of Sambavika Trust. Since, specific allegation not placed upon the petitioner/2nd accused, the court shall not proceed the case further against the 2<sup>nd</sup> accused. Therefore, the 2<sup>nd</sup> accused liable to be discharged from the private complaint.

3. The respondent/complainant contended that the 1<sup>st</sup> accused has purchased the properties by miss using the funds of Sambavika Trust without the consent of other members. The 2<sup>nd</sup> accused has assisted with 1<sup>st</sup> accused for illegal transaction of money from the trust administration during the year of 2012 to 2015. Moreover, the 1<sup>st</sup> accused had opened new bank account after taking charge of Secretary for dealing with money transaction for swindle the trust amount with the help of 2<sup>nd</sup> accused. The 1<sup>st</sup> and 2<sup>nd</sup> accused have accumulated wealth during the period by fraudulent transaction. Moreover, they have appointed teachers for defraud accounts and earned money through misappropriation. They had been running the trust against by laws. Hence, the 2<sup>nd</sup> accused has assisted with her husband 1<sup>st</sup> accused in the administration and money transaction. Therefore, she should not be discharged from the allegation.

4. This court carefully considered the both sides submission and documents. The petitioner/2nd accused is the daughter of complainant and wife of the 1st accused. She was one of the members in Sambavika Trust from the year of 2006. Moreover, the husband of 2<sup>nd</sup> accused had been acted as a secretary from the year of 2012 to 2015. When, the 1<sup>st</sup> accused was functioning as a Secretary, the 2<sup>nd</sup> accused assisted with him as wife in the administration and other money transaction. Moreover, the trust account has been changed

and new bank account used for transaction of money during the tenure of 1<sup>st</sup> accused. Even though, the 2<sup>nd</sup> accused has not directly involved the activities of trust, she had been a member of the trust. The 1<sup>st</sup> accused was running the trust with the help of 2<sup>nd</sup> accused. Therefore, this court concluded that the 2<sup>nd</sup> accused actively participated in the administration of trust and assist the 1<sup>st</sup> accused. Since, the prima facie material available against the 2<sup>nd</sup> accused, this court taking cognizance against her after consider the oral and documentary evidence at the initial stage of the case. Mere, prima facie is enough for taking cognizance against the accused at the time of taken on file. The petitioner/2<sup>nd</sup> accused can't be removed since the direct allegation existence against herself. The part of 2<sup>nd</sup> accused in the allegation has been substantiated through the valid documents and considerable grounds existed to proceed the case against 2<sup>nd</sup> accused. Therefore, this court can't interfere the trial proceedings against the 2<sup>nd</sup> accused person. If the 2<sup>nd</sup> accused removed from the case by the reason for not actively participated in the trial, the further trial proceedings will affect. Hence, the petitioner/2<sup>nd</sup> accused is liable to face the trial and prove the innocents after full trial. Hence, this court doesn't consider the grounds of discharge and 2<sup>nd</sup> accused shall not be discharged from private complaint.

Accordingly, the petition is dismissed.

Dated 24th day of March 2026

**Judicial MagistrateNo.I,  
Sivagangai.**