

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.13178 of 2015

1. Girija
2. P.K.Vaidiyanathan, (died)
3. K.Vijayashankar, (died)
4. Kamalesh
5. Banumathi
6. Raghavan
7. Komalam
8. Metilda Bosco
9. Manikandan
10. Rani
11. Chenna Keshavan, (died)
12. Narayanan Nambiyar

...Petitioners

Vs

1. The State Rep. by the
Deputy Superintendent of Police,
Economic Offences Wing - II,
Anna Nagar, Chennai.
2. The District Revenue Officer/
Competent Authority,
District Revenue Office,
Chennai.
3. Maruthi Finance,
Rep. by its Managing Partner,
Mukundan,
No.58, Madox street,
Veppery, Chennai - 600 112
4. Mukundan

...Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the second respondent to disburse the amount to the petitioners/depositors of the third respondent's Finance Company on production of the original deposit receipts.

For Petitioners : Mr. S.Sankar

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor,
for R1 & R2

: M/s.B.Kannadasan & M.Machavatharan
for R3 & R4

ORDER

The petitioner seeks a direction to the second respondent to disburse the amount to the petitioners/depositors of the third respondent's Finance Company on production of the original deposit receipts.

2.Heard the learned counsel for the petitioners, the learned counsel for the fourth respondent and the learned Additional Public Prosecutor for the respondents 1 and 2 and perused the material placed on record.

3. The third respondent in this case was prosecuted in C.C.No.32/2001 for the offence under Section 5 of T.N.P.D Act and Section 420 IPC for collecting deposits from various persons and not repaying the same. The third respondent was convicted in C.C.No.32/2001. Aggrieved by which, he preferred Crl.A.No.401/2006 before this Court. During the pendency of Crl.A.No.401/2006, it appears that the third respondent had repaid the amounts to various depositors and the offences were compounded before this court.

4. This petition has been filed by 12 persons contending that they were also depositors in Maruthi Finance (3rd respondent herein) and they were not included as witnesses in C.C.No.32/2001.

5. It is submitted by the learned counsel for the petitioners and the learned counsel for the third respondent that some money belonging to Maruthi Finance is with the District Revenue Officer/ Competent Authority, District Revenue Office, Chennai. An official Mr.T.Ramesh, Assistant from the office of the District Revenue Office is present and Mr.Ashok Natarajan, Deputy Superintendent of Police, Economic Offences Wing, representing for the first respondent is present. They submit that a sum of Rs.65,75,444/- is available with the District Revenue Officer/Competent Authority, second respondent.

6. Under such circumstances, the petitioners are directed to appear before the District Revenue Officer/Competent Authority and make their claim with valid records. The same shall be verified

and the principal amounts could be disbursed to the petitioners.

7. With the above direction, this petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The State Rep. by the
Deputy Superintendent of Police,
Economic Offences Wing - II,
Anna Nagar, Chennai.
2. The District Revenue Officer/
Competent Authority,
District Revenue Office,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

1 CC to Mr.B.Kannadasan, Advocate SR.No. 28023

1 CC to Mr. S.Sankar, Advocate SR.No. 28008

LRS (CO)
PSI (12.06.2015)

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