

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-08-2015

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 876 of 2015
and
M.P.Nos. 1 and 2 of 2015

1. Maruthamalai Chit Funds
Rep. by A.P.Ranganathan
No.2/323-D Subbaiyan Nagar
Near Asiriyar Nagar
Chinniampalayam
Coimbatore.
 2. A.P.Ranganathan
 3. Bakkialakshmi
- ...Petitioners/Respondents

Versus

State by
Inspector of Police
Economic Offences Wing II
Coimbatore.

....Respondent/Complainant

Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. against the Judgment dated 22.06.2015 made in CrI.A. No.66 of 2013 on the file of the learned District and Sessions Judge, Coimbatore, confirming the judgment of conviction and sentence passed in C.C.No.1 of 2009 on the file of the learned Special Court for Cases under TNPID Act, Coimbatore, dated 29.04.2013.

For Petitioners : Mr.C.Veeraraghavan
For Respondent : Mr.Mohamed Riyaz
Government Advocate (CrI.Side)

ORDER

The case of the prosecution is that the first petitioner Firm was run by petitioners 2 and 3 along with their son, who is now no more. The petitioners 2 and 3 were alleged to have canvassed the investors to deposit amount in the first petitioner Firm and promised

to give interest at the higher rate. It is further alleged that the petitioners 2 and 3 along with their son collected money from the investors and deposited the same in the name of the first petitioner Firm and that after maturity of the fixed deposit, they defaulted in repayment of the amount along with interest. Based on the complaint lodged, the case was taken on file in C.C.No.1 of 2009 on the file of the Special Court for Cases under TNPID Act, Coimbatore. After trial, the petitioners were convicted for the offence under Section 5 of TNPID Act, 1997 and sentenced to undergo rigorous imprisonment for one year (169 counts) each and the sentences were ordered to run concurrently. As against the judgment of conviction and sentence imposed on the petitioners, they have filed Crl.A. No.66 of 2013 before the learned District and Sessions Judge, Coimbatore, which was dismissed on 22.06.2015, thereby, confirming the judgment passed by the Trial Court. Aggrieved against the same, this Criminal Revision Case is filed.

2. Today, when the revision is taken up, Mr.C.Veeraraghavan, learned counsel appearing for the petitioners/accused would submit that the petitioners, who were the appellants before the Appellate Court, have wrongly preferred an appeal and unfortunately, the case has been conducted before the Appellate Court and the appeal was finally disposed of. He would further add that there cannot be an appeal as against an order passed by the Special Court constituted for Cases under TNPID Act. He would further bring to the notice of this Court that since, there is an error apparent on the face of the record, this can be set right by this Court by exercising the revisional power under Section 397 Cr.P.C.

3. Mr.Mohamed Riyaz, learned Government Advocate would contend that the appeal has been wrongly entertained by the Appellate Court, as there cannot be an appeal as against the order passed by the Special Court constituted for Cases under TNPID Act.

4. Heard both sides. By consent, the Criminal Revision Case itself is taken up for final disposal at the stage of admission itself.

5. Having regard to the fact that the appeal as such presented by the petitioners, as appellants before the Appellate Court itself is not maintainable, because, as against the order passed by the Special Court constituted for Cases under TNPID Act, only an appeal would lie to the High Court. Hence, the appeal filed by the petitioners before the Appellate Court is fundamentally wrong and any judgment passed therein cannot be entertained and hence, the judgment of conviction and sentence passed by the Appellate Court, dated 22.06.2015 alone is set aside, while the order passed by the Special Court constituted for Cases under TNPID Act, Coimbatore, dated 29.04.2013, stands as it is. This Criminal Revision Case is ordered accordingly. It is hereby observed that it is left open to

the petitioners/ accused to file a separate appeal before the appropriate forum. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(LA)

//True Copy//

Sub Assistant Registrar

paa

To

1. The Inspector of Police
Economic Offences Wing II
Coimbatore.
2. The District and Sessions Judge,
Coimbatore.
3. The Special Court for Cases under TNPID Act,
Coimbatore.

1 CC to Mr.C.Veeraraghavan, Advocate SR.No. 44119

Criminal Revision Case No.876 of 2015

SKV (CO)
PSI (03.09.2015)

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