

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.23894 of 2015

C.Sundaram

... Petitioner

Vs

State of Tamil Nadu
Rep by Deputy Superintendent of Police,
Economic Offences Wing-II,
Salem.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the Trial Court, namely, The Special Judge under TNPID [in financial Establishments] Act, Coimbatore to pronounce orders on the discharge petition filed by the petitioner in Crl.M.P.No.639 of 2014 in CC.No.36 of 2013 at the earliest.

For Petitioner : Mr.Vijayakumar
for Mr.Kumar

For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the learned Special Judge, TNPID Act, Coimbatore to pronounce orders on the discharge petition filed by the petitioner in Crl.M.P.No.639 of 2014 in CC.No.36 of 2013 at the earliest.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor for the respondent and perused the materials placed on record.

3. It is seen that the petitioner is A6 in CC.No.36 of 2013 under Section 5 of TNPID Act, Coimbatore. The petitioner filed an application for discharge under Section 239 Cr.P.C in the year 2013 and the police also have filed their counter in the discharge application. The Trial Court heard the arguments of both sides on 23.06.2015. While so, the respondent police have filed an application under Section 173 [8] Cr.P.C for further investigation and the Trial Court has also permitted the police to conduct further investigation. In those circumstances, the Trial Court has passed the following order:

"Diary Extract of CC.No.36 of 2013

21.07.2015 : A2 NBW A3 to A7 present. CMP pending. Call on 13.08.2015."

4. Mr.Vijayakumar, learned counsel appearing for the petitioner submitted that, the Trial Court should pass some order this way or the other on the discharge application and cannot keep it pending.

5. This Court is unable to countenance his argument, inasmuch as when further investigation has been ordered, one cannot presuppose its results. May be, the police may file a final report in favour of the petitioner or that they may collect further materials against the petitioner in the supplementary report. Therefore, the order of the Trial Court in not passing any orders on the discharge application cannot be faulted.

Hence, the petition is devoid of merits and stands dismissed.

-sd/-

ASSISTANT REGISTRAR (CS-III)

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

gya

To

1.The Deputy Superintendent of Police,
Economic Offences Wing-II,
Salem.

2.The Public Prosecutor,
High Court, Madras.

+1 CC to MR.KUMAR ADVOCATE. SR.NO. 51847

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CO-

JD 08/10/2015