

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.23897 of 2015

1.P.Kandasamy
2.T.Manikandan
3.V.Elumalai

... Petitioners

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 these petitioners in Crl.M.P.No.943
of 2014 in CC.No.35 of 2013 at the earliest.

For Petitioners : 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 these petitioners in Crl.M.P.No.943 of 2014 in
CC.No.35 of 2013 at the earliest.

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

3. It is seen that the petitioners are accused in CC.No.35 of
2013 under Section 5 of TNPID Act, Coimbatore. The petitioners 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
applications. 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.35 of 2013

16.07.2015 : A2 NBW pending. A5, A9, A11, A6 absent. Petition filed and allowed discharge petition order postponed in pursuance to the order passed in further investigation petition other CMP pending call on 13.08.2015."

4. Mr.Vijayakumar, learned counsel appearing for the petitioners submitted, that the Trial Court should pass some order this way or the other on the discharge applications 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 petitioners or that they may collect further materials against the petitioners in the supplementary report. Therefore, the order of the Trial Court in not passing any orders on the discharge applications 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.

सत्यमेव जयते

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

WEB COPY

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CO-

JD 08/10/2015