



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Cr1.R.C.(MD)No.508 of 2014

and

M.P.(MD)No.1 of 2014

Ramesh @ Ramesh Arockiaraj

.. Revision Petitioner/Accused No.6

Vs.

State rep.. by

The Deputy Superintendent of Police,

Economic Offence Wing-II,

Dindigul District.

.. Respondent/Complainant

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to set aside the order passed by the TANPID Court, Madurai in Cr.M.P.No.2155 of 2013 in C.C.No.35 of 2013, dated 02.04.2014 by allowing this revision petition.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondent : Mr.C.Ramesh,

Additional Public Prosecutor

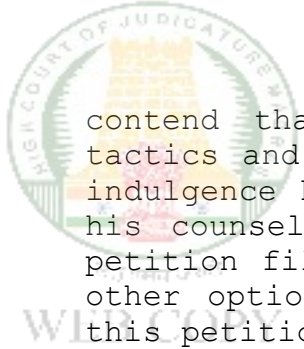
ORDER

There are totally nine accused and the petitioner is arrayed as A-6 and according to the prosecution, A-1 to A-3 the Financial Establishments canvassed and through five schemes quoted by them with the connivance of A-4 to A-9, collected deposits from 433 depositors to the tune of Rs.5,49,90,413/- and thereby committed the offences under Sections 406, 420 and 120(B) of I.P.C and under Section 5 of TANPID Act, 1997. The petitioner, who is arrayed as A-6 filed Cr1.M.P(MD)No.2155 of 2013 praying for his discharge on the ground that he has nothing to do with the affairs of the above said Firms. When the petition was listed on 02.04.2014, the petitioner/A6 was absent and therefore, it was dismissed and aggrieved by the said order, the petitioner/A6 has filed this revision.

2. The learned counsel for the revision petitioner would contend that a petition under Section 317 Cr.P.C was filed on the date of hearing on 02.04.2014 to dispense with the personal appearance of the petitioner/A6. But, it was negatived and the petition for discharge filed by the petitioner came to be dismissed technically for default and would further contend that petitioner for discharge filed by A-9 is also pending and hence, the impugned order may be set aside and the petition for discharge filed by this petitioner may be restored to file and the same may be heard along with the petition for discharge filed by A-9.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Per contra, the learned Additional Public Prosecutor would



contend that the petitioner and other accused are adopting dilatory tactics and preventing the Court from framing charges and though so many indulgence have been shown to the petitioner/A-6, he remained absent and his counsel was also not ready to get along with the argument in the petition filed for discharge and therefore, the trial Court left with no other option except to dismiss the petition and prays for dismissal of this petition.

4. This Court after perusing the materials placed, is of the view that one more chance is to be given to the petitioner to canvass the merits of the petition for discharge filed by him. Admittedly, petition for discharge filed by A-9 is also pending and therefore, there cannot be any impediment in directing the trial Court to take up the discharge petition filed by A-6 and A-9 and other petitions for discharge if any filed by other accused and give a disposal to the petitions within a stipulated time.

5. In the result, this revision is allowed and the impugned order dated 02.04.2014 passed in Cr.M.P.No.2155 of 2013 in C.C.No.35 of 2013 by the TANPID Court is set aside and the Cr.M.P.No.2155 of 2013, is restored to file and the trial Court shall make every endeavor to dispose of the petitions for discharge filed by this petitioner, A-9 and other accused, as expeditiously as possible and not later than 27.04.2015. It is made clear that the petitioner as well as the counsel shall extend maximum their co-operation to the trial Court to dispose of the said petitions, failing which, it is open to the trial Court to pass appropriate orders. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub- Assistant Registrar

To

- 1.The Deputy Superintendent of Police,
Economic Offence Wing-II,
Dindigul District.
- 2.The Judge, Special Court
(under TANPID-(in financial- Establishments)Act)
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

sm:31.03.2015:2P/4C

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