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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2015

CORAM:

THE HONOURABLE MRS.JUSTICE S.VIMALA

Criminal Revision Case (MD)No.404 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

Babu

.. Petitioner

Vs.

State through
The Inspector of Police,
Economic Offences Wing II,
Cr.No.02 of 2013
Madurai.

.. Respondent

Revision is filed under Section 397 and 401 Cr.P.C. to call for the records and set aside the order dated 29.05.2015 passed in CrI.M.P.No.2120/14 in C.C.No.9/14 on the file of the learned TANPID Act cases, Madurai.

For Petitioner : Mr.P.Aju Tagore

For Respondent : Mr.P.Kandasamy

Government Advocate (crl. side)

ORDER

The revision petitioner herein filed an application under Section 239 crpc seeking discharge of the petitioner / accused no.5 from the proceedings in C.C.No.9 of 2014. the petitioner was absent before the Court and therefore, the Court issued NBW. As there was no representation, the discharge petition was also dismissed. Challenging the dismissal of the discharge petition, the petitioner herein has filed the revision petition.

2.The main contention of the learned counsel for the revision petitioner is that there is no prima facie case against the petitioner in respect of the offence under Sections 406, 420 and 120(b) IPC and Section 5 of TNPID Act; The case of the prosecution itself is that all the depositors deposited the money with A1 company and not with the company of A2. and the petitioner had been removed from the post of Director of A2 company and therefore, there are good grounds for discharge.

3.After hearing the learned counsel for the revision petitioner, this Court passed the following conditional order dated 08.09.2015:

"Heard the learned counsel for the petitioner.

2.Subject to payment of Rs.5,000/- to Madurai Sevashram, Old Ntham Road, Madurai 625 014 within a period of one week from today, this revision petition would stand allowed.

3.There shall be an order of interim stay until further orders.

List this matter after one week."

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

4. Today, it is represented that the conditional order has been complied with and proof has also been filed.



5. In view of the above, this Criminal Revision Petition stands allowed and it is remitted back to the Court below for consideration on merits. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar.

To

- 1.The Special Court, Under the TNPID Act, Madurai
- 2.The Inspector of Police,Economic Offences Wing II,Madurai.
- 3.The Additional Public Prosecutor, Madurai Bench of Madras High court, Madurai.

Copy to: The Section Officer, Criminal Section, Madurai Bench of Madras High court, Madurai.

+1CC to Mr.P.Aju Tagore, Advocate, SR.No. 54867

CrI.R.C.(MD)No.404 of 2015
16.09.2015

AM/06.10.2015/SK.SKN/SAR-II/2P/6C