

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM
Crl.R.C.Nos.746 and 750 of 2016

and
Crl.M.P.Nos.5651, 5652 and 5682 of 2016

P.S.Chellamuthu

S/o.Late Raghupathy Chellamuthu

.. Petitioner in both revisions

vs.

1.The State represented by
The Inspector of Police,
Economic Offence Wing - II,
Coimbatore.
Crime No.1 of 2000

2.S.Thirumalvalavan
S/o.K.R.Sundaram

(2nd respondent impleaded as per order
of this Court dated 12.07.2016 in Crl.M.P.
No.7114/16 in Crl.R.C.No.746/16 and
Crl.M.P.no.6619/16 in Crl.R.C.No.750/16)

.. Respondents in both revisions

Criminal Revisions filed under Section 397 and 401 Cr.P.C.
against the orders of learned Special Judge (TNPID Act),
Coimbatore, passed in Crl.M.P.Nos.1653 and 1654 of 2009 in
C.C.No.8 of 2008 on 12.05.2016.

Appearance (in both revisions):

For Petitioners: Mr.Veerakathiravan, senior counsel
for Ms.S.T.P.Kuilmozhi

For Respondents: Mr.K.Madhan
Government Advocate [Crl.side] [R1]
Mr.L.Chandrakumar [R2]

C O M M O N O R D E R

These revisions arise against the orders of learned Special
Judge (TNPID Act), Coimbatore, passed in Crl.M.P.Nos.1653 and
1654 of 2009 in C.C.No.8 of 2008 on 12.05.2016.

2. Petitioner/A3 along with other accused faces trial for offences u/s.120(B), 406, 420 IPC and 5 of TNPID Act, 1997, on the file of learned Special Judge, Special Court under TNPID Act Cases, Coimbatore. Petitioner moved Crl.M.P.No.1653 of 2009 seeking discharge and Crl.M.P.No.1654 of 2009 towards forwarding the documents viz., receipts and promissory notes for expert opinion. Court below, under the impugned orders, dismissed such petitions. Hence, these revisions.

3. Heard learned senior counsel for petitioner, learned Government Advocate [Crl.side] for first respondent and learned counsel for second respondent.

4. In dismissing the petitions, Court below has found that one Veliangiri has preferred the complaint informing that he has deposited sums of Rs.1,50,000/-Rs.60,000/- and Rs.10,000/- in the accused firm and has given the deposit receipts to petitioner, who in turn has given 3 pronotes and assured to return the deposit with interest but has failed to do so. The statement of other witnesses were also to the same effect. Further, LW-8, in his complaint has stated that the petitioner has participated in the day-to-day affairs of the company and collected the deposits from depositors. Likewise, the complaint of other witnesses. A perusal of documents produced by respondent police also informed that petitioner has received amount on behalf of his wife. The statements and complaints of all witnesses clearly indicate the name of petitioner, who has received deposits on behalf accused 1 and 2/firms and petitioner has given deposit receipt in the name of this wife, A4. Further, the petition moved by petitioner before this Court seeking quash of proceedings has been dismissed and in the appeal preferred by petitioner against such order before Supreme Court, it was held that properties mentioned in schedule of G.O.ms.No.746 dated 07.08.2001 Home Courts 2A, Department, may be released from attachment towards facilitating petitioner to sell the same and settle the amount to the depositors. In the petition seeking discharge, petitioner has informed that he is a Government servant and his signature has been obtained under force and threat. When once the petitioner himself has admitted his signature then it would not be open for petitioner to contend that the signature found in the pronotes and cash receipts was not his. Whether the same has been obtained under force or threat could be decided only during trial. Holding that petitions moved by petitioner and other accused before this Court as well as before the Supreme Court have been dismissed and the accused have dragged on proceedings by filing petition after petition, Court below has dismissed Crl.M.P.No.1653 of 2009 seeking discharge and Crl.M.P.No.1654 of 2009 seeking to forward the documents viz., receipts and promissory notes for expert opinion. This Court finds no error in the orders under

challenge.

These Criminal Revision Cases shall stand dismissed.
Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

gm

To

1.The Inspector of Police,
Economic Offence Wing - II,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

3.The Special Judge,
(TNPID Act),
Coimbatore.

+2cc to Mr.L.Chandra Kumar, Advocate SR.No.69575,69576

+2cc to Mr.S.T.P.Kuilmozhi, Advocate SR.No.69784,69785

Crl.R.C.Nos.746 and 750 of 2016

SJ(CO)
GN(29/11/2017)

सत्यमेव जयते

WEB COPY