

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.10.2016  
Reserved on : 18.08.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.No.773 of 2016  
and Crl.MP.5804 of 2016

1. Asha Jewellery  
Rep by A2 and A3  
B.Achalram and D.Berraram,  
D.No.76, Santhapet Bazaar,  
Gudiyatham Taluk,  
Vellore District.
2. B.Achalram
3. D.Berraram .. Petitioners/Petitioners/Accused 1 to 3

Vs.

State rep by  
Inspector of Police,  
Economic Offences Wing - II,  
Vellore .. Respondent/Respondent/Complainant

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 09.02.2016 made in Crl.MP.No.874 of 2015 in CC.No.23 of 2013 passed by the learned Special Judge under TNPID Act, Chennai.

For Petitioners : Mr.G.K.Ilanthiraiyan  
for M/S Sai Bharath and Ilan.  
For Respondent : M/S.M.F.Shabana, GA (Crl. side).

ORDER

The Criminal revision is directed against the order passed by the learned Special Judge under TNPID Act, Chennai made in Crl.MP.No.874 of 2015 in CC.No.23 of 2013 dated 09.02.2016, dismissing discharge application filed by the revision petitioners.

2.The learned counsel for the petitioner would mainly contend that A4 to A7 were discharged from the case on 08.04.2015, the present revisions petitioners are A1 to A3, there are no incriminating materials available to frame charges against the present accused. For running a jewellery shop would not amount to collection of deposits under the Special Act and

no jurisdiction to entertain the complaint and there is no ingredients for making charges under TNPID Act, against A1 to A3/revision petitioners. The trial Court ought to have discharged the petitioners from the charges. Hence, the learned counsel prays to set aside the order of the trial Court and to allow the criminal revision.

3.The learned Government Advocate would mainly contend there are sufficient materials available on the side of the prosecution. Even though they are running jewellery shop, they are collecting deposits from the public under deposit schemes and receiving cash in advance for making jewels and they are not repaid to the customers. Hence, the TNPID Act is squarely applicable on the facts of the case, the trial Court correctly dismissed the application. The trial Court after appreciating the entire facts and circumstances of the case, dismissed the application and there is no illegality or infirmity in the order of the trial Court and the learned Government Advocate (Crl.side) prays for dismissal of the revision petition.

4.Heard the rival submissions made on both sides and perused the records.

5.Admittedly A2 and A3 are running jewellery shop in the name and style Asha Jewellery, on the side of prosecution it is clearly proved that there are so many incriminating materials are available against the present revision petitioners/A1 to A3. A2 and A3 are collecting deposits from the general public under deposit scheme and receiving full amount in advance for making jewels and also enticed the public to deposit for getting higher rate of interest. The defacto complainant believing the assurance given by A2 and A3 deposited a sum of Rs.90,000/- on 21.12.1998, even after the maturity the accused 1 to 3 defaulted in payment. Hence, the present complaint was lodged before the respondent police by the defacto complainant, it is the case of the prosecution there are sufficient incriminating materials are available against A1 to A3 for collecting deposits under the deposit scheme, collecting full amount for making jewels and also promising to pay higher rate of interest for the deposits. From the above fact, whether the said allegations are true or not has to be decided only at the time of trial and after analysing the evidences adduced by the prosecution.

6.On reading of the entire statement recorded by the police there are incriminating materials available against the revision petitioners to presume that the accused would have committed the said offences. The learned counsel for the petitioners contended that there is no incriminating materials are available to frame charges against the revision petitioners and prays to discharge the petitioners from the charges, is liable to be rejected. Hence, the above arguments put forth on the side of

the petitioner to discharge the revision petitioner from the charges is liable to be rejected and the same is hereby rejected. This Court finds there is no illegality or infirmity in the order passed by the learned Special Judge under TNPID Act, Chennai and the same does not warrant any interference by this Court.

7.In the result, the criminal revision stands dismissed. consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

- 1.The Special Judge under TNPID Act,  
Chennai.
- 2.The Inspector of Police,  
Economic Offences Wing-II,  
Vellore.
- 3.The Public Prosecutor,  
High Court, Madras.

+1cc to M/S.Sai Bharath & Ilan, Advocate SR.58080

सत्यमेव जयते

Cr1.R.C.No.773 of 2016

gr[co]  
srg 08/11/2016

WEB COPY