

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.10.2016
CORAM
THE HONOURABLE MR.JUSTICE P.N.PRAKASH
Crl.OP.Nos.22636, 22637 & 22639 of 2016

Eswari ... Petitioner in all WPs

Vs

The Deputy Superintendent of Police,
E.O.W.II,
Bypass Road,
Kondalampatty,
Salem.

... Respondent in all WPs

Common Prayer: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure to direct the respondent to take steps to include the petitioner's complaint dated 23.01.2009 along with the other depositors' complaints in respect of (i) Annai Cauvery Finance in C.C.No.2 of 2011 (ii) Sri Cauvery Finance in C.C.No.3 of 2011 (iii) Mettur Cauvery Finance in C.C.No.1/2011 respectively on the file of the Special Court, TNPID Act, 1997 at Coimbatore.

For Petitioner : Mr.C.S.Saravanan
For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

COMMON ORDER

The Criminal Original Petitions have been filed seeking a direction to the respondent to include the petitioner's complaint dated 23.01.2009 along with other depositors' complaints in respect of (i) Annai Cauvery Finance in C.C.No.2 of 2011 (ii) Sri Cauvery Finance in C.C.No.3 of 2011 (iii) Mettur Cauvery Finance in C.C.No.1/2011 respectively on the file of the Special Court, TNPID Court, Coimbatore.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. The Inspector of Police, EOW-II, Salem registered a case in Crime No.6 of 2008 for the offences under Sections 420 IPC and Section 5 of TNPID Act against Mettur Cauvery Finance, Annai Cauvery Finance and Sri Cauvery Finance and the persons who were running these three financial establishments namely Gopal and others.

4. It is the case of the prosecution that the aforesaid financial establishments had received deposits from public and defaulted in repaying the amount. Hence the FIR. Based on the FIR, three final reports were filed namely (i) C.C.No.1 of 2011 against Mettur Cauvery Finance and others; (ii) C.C.No.2 of 2011 against Annai Cauvery Finance and others; and (iii) C.C.No.3 of 2011 against Sri Cauvery Finance and others, before the Special Court for TNPID cases, Coimbatore. In all the cases, the accused appeared before the trial Court and trial is almost completed. At this juncture, the petitioner has filed the present petition with the above prayer on the ground that she also had deposited money in the aforesaid three companies, but her complaint to the police was not taken on file and therefore, she has to be enlisted as a witness.

5. The learned Additional Public Prosecutor submitted that the three cases before the trial Court are at the stage of arguments and it is too late in the day to include the claim of this petitioner also.

6. There is sufficient force in the submissions of the learned Additional Public Prosecutor, inasmuch as the bona fide of the petitioner's claim has not been tested during investigation. That apart, the accused have not been impleaded as a party in this direction petition. Moreover, at this juncture if a criminal case is reopened, it will cause undue prejudice to the accused and will further prolong the trial. However, the petitioner also cannot be left without remedy.

7. The learned Additional Public Prosecutor submits that the assets of the financial establishments have been attached under Section 4(1) of TNPID Act and the District Revenue Officer, Salem has been appointed as the Competent Authority to disburse the money to the victims.

8. Under such circumstances, the petitioner is directed to submit a representation to the Investigating Officer along with the original deposit receipts and the Investigating Officer shall conduct an enquiry about the bona fide and genuineness of the receipts and give his recommendations to the District Revenue Officer, who shall consider the claim of the petitioner along with the claim of other victims, if it is found to be a bona fide one.

With the above direction, the Criminal Original Petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Presiding officer,
SPECIAL Government (TNPID Act 1997
Coimbatore

2.The Deputy Superintendent of Police,
E.O.W.II,
Bypass Road,
Kondalampatty,
Salem.

3.The District Revenue Officer
Salem.

4.The Public Prosecutor,
High Court, Chennai.

+1 cc to Mr.C.S.Saravanan Advocate sr 59842

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