

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.Nos.1035,1036 and 1040 of 2015

and

M.P.Nos.1,1,1 of 2015 and Crl.M.P.Nos.10168,10169 and 10170 of
2016

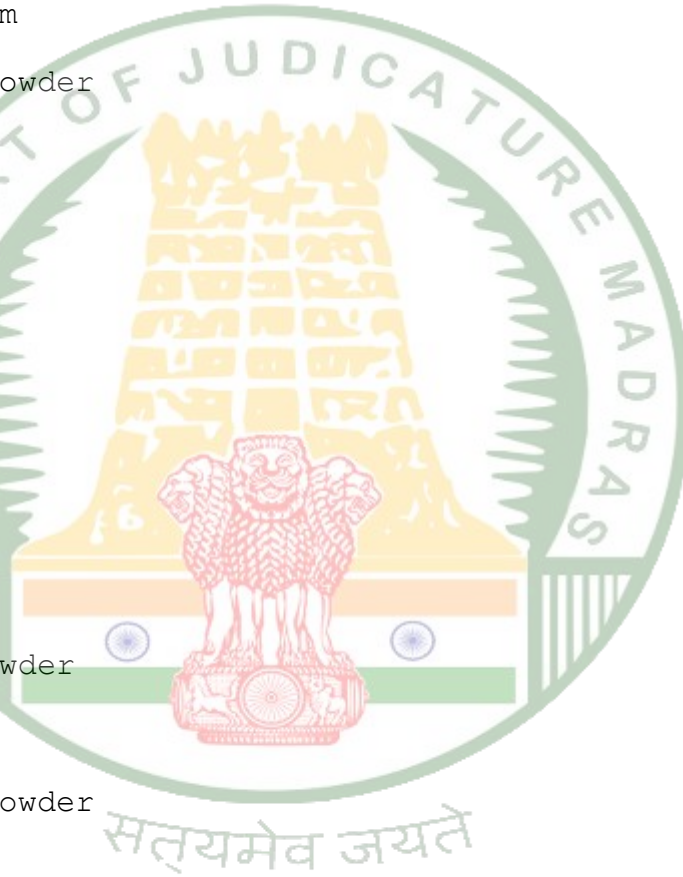
Suganthi ... Petitioner in Crl.R.C.No.1035 of 2015
R.Shanmugasundaram ... Petitioner in Crl.R.C.No.1036 of 2015
Varadharajan@Varadhaiyan ... Petitioner in Crl.R.C.No.1040
of 2015

Vs.

1.State Of Tamil Nadu
Rep. By Deputy Superintendent Of Police
E.O.W.-Wing II
Coimbatore
Crime No.3/99) (Crime No.---

2 B.Chinnasamy
3 V.Sivagami
4 C.Sarathamani
5 S.Ponnusamy
6 P.Kalaiarasi
7 N.Ponnusamy
8 P.Saraswathi
9 S.Subbammal
10 S.Punitha
11 K.Thilakambal
12 Karaikkal
13 L.Anandhakumar
14 N.Subbaiyan
15 Pujjammal
16 Barathamani

17 N.Visalatchi
18 Geetha
19 A.Kalyanasundaram
20 Sundarammal
21 R.Gandhimathi
22 Savithiriammal
23 N.Sulochana
24 A.Easwar Gowder
25 Subbammal
26 Rangarajan
27 Murugaiyan
28 M.Nithiyanandan
29 M.Nagarathinam
30 A.K.Manokaran
31 B.Rengasamy Gowder
32 R.Selvaraj
33 R.Duraisamy
34 T.Thirumayam
35 Rajesh Kumar
36 V.Rengarajan
37 Logavathani
38 Sarojadevi
39 K.Krishnasamy
40 P.Kannammal
41 D.Palanisamy
42 T.Varadhaiyan
43 C.Rengasamy
44 P.G.Rengasamy
45 Kalaisalvi
46 K.N.Aruvappan
47 Sampathkumar
48 C.Rangaiya Gowder
49 Rajappan
50 T.Elangovan
51 Pushpa
52 R.Thottanna Gowder
53 Subbammal
54 T.Duraisamy
55 Kokila
56 N.Saroja
57 R.Subbaiyan
58 T.Ramamoorthy
59 N.Sivasamy
60 S.Saraswathi
61 K.Rangasamy
62 K.Nanjaya Gowder
63 Thulasiammal
64 Tmt.Rathna @ M.Rathinam
65 Tmt.G.Sakunthala



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66 Jayanthi
67 Venkatesan
68 Masiammal
69 M.V.Senthilkumar
70 S.R.Rathinam
71 S.T.Mani
72 B.Santhakumari
(respondents 2 to 72 impleaded as per
order of this Court dated 26.10.2015)

... Respondents in all revisions

Criminal Revisions filed under Section 397 and 401 Cr.P.C. against the order of learned Special Judge, Special Court under TNPID Act cases, Coimbatore, passed in Crl.M.P.Nos.956,957 and 987 of 2012 in C.C.Nos.1,1,1, of 2012 on 07.08.2015.

For Petitioners : Mr.O.S.Thilak Pasumbadiar
(in all revisions)
For Respondents : Mr.M.Mohammed Riyaz
(in all revisions) Government Advocate
[Crl.side] [R1]
No Appearance for R2 to 72

C O M M O N O R D E R

These revisions challenge the order of learned learned Special Judge, Special Court under TNPID Act cases, Coimbatore, passed in Crl. M.P. Nos. 956, 957 and 987 of 2012 in C.C. Nos. 1 of 2012 on 07.08.2015, wherein petitioners sought discharge.

2. The petitioners in Cr.R.C.No.1035, 1036 and 1040 of 2015 have been arrayed as A-5, A-4 and A-9 respectively in C.C. No. 1 of 2012 and face prosecution for offences u/s. 420 IPC and Sec.5 of TANPID Act, 1997.

3. Prosecution came to be launched against the accused in C.C. No. 1 of 2012 at the instance of one Chinnasamy, a retired teacher. According to the complainant, he deposited a sum of Rs.2 lakhs received towards his retirement benefits in a finance company run by Shanmuga Sundaram and three others in the name and style of B.R. Finance, B.R.S. Finance and B.R.S.A. Finance at Coimbatore which did not repay the maturity amount to the complainant inspite of his repeated demands. The said finance company has indulged in accepting deposit from various depositors and cheated them to the tune of Rs.2 crores. On the basis of such complaint, a search was conducted by the investigation officer and several documents have been recovered from the office premises of the accused. The accused have obtained anticipatory bail under orders of this Court on various dates. Petitioners have filed petitions for discharge and on

their dismissal, the present Criminal Revision Petitions have been filed.

4. Learned counsel for petitioners submit that so far 97% of depositors dues stand repaid, pursuant to interim order passed by the trial court. Outstanding is only in respect of 3% of depositors. The dues payable to such 3% depositors works out to a sum of Rs.1,51,000/- and such sum has also been paid by way of demand draft drawn on the Indian Bank, Karamadai branch dated 23.02.2016 in favour of Competent Authority/ District Revenue Officer, Coimbatore.

5. Heard learned counsel for petitioners and learned Government Advocate [Crl.side] for first respondent. There is no appearance for respondents 2 to 72.

6. A perusal of the orders under challenge reveal that Court below has allowed discharge petition of other persons while dismissing the same as regards the petitioners since it found them to be signatories of documents and other incriminating material against them. Thus, it is seen that Court below has dismissed the petition seeking discharge in so far as these petitioners are concerned, since it was of the view that a prima facie case was made out against them. We find no reason to interfere with such orders of the court below. Accordingly, all the Criminal Revision Cases are dismissed. In the circumstances, this Court would leave it open to the Court below to proceed u/s. 5(A) of TANPID Act on its being satisfied regards the application thereof. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

To

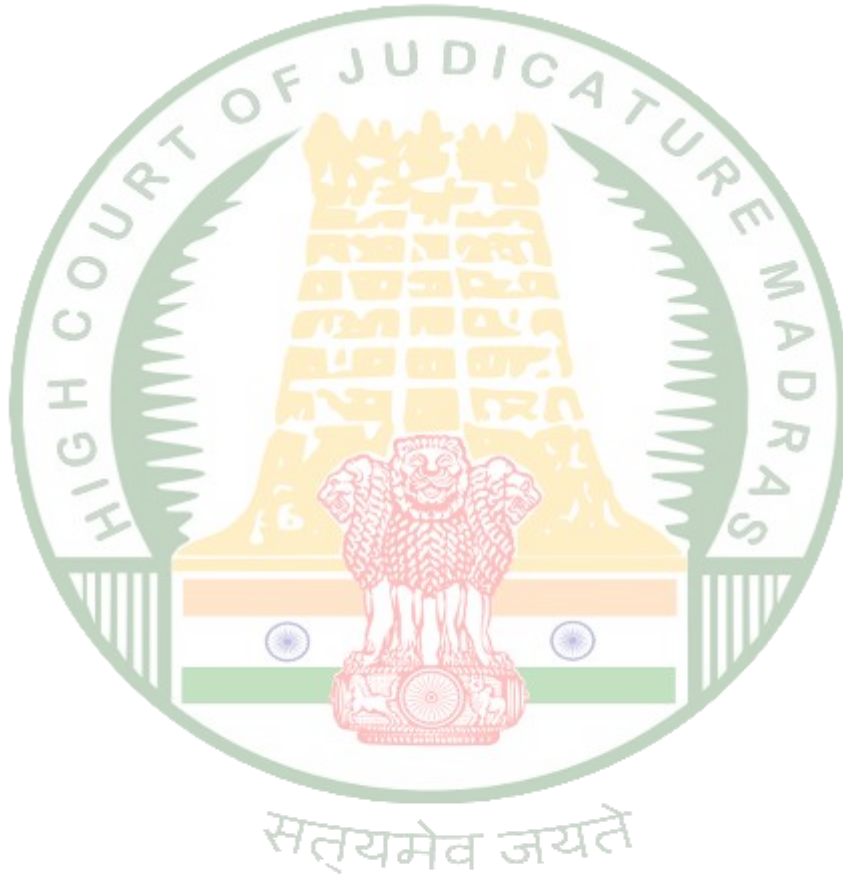
1 The Special Judge, Special Court under TNPID Act cases,
Coimbatore,

2 he Deputy Superintendent of Police,
EOW-Wing II, Coimbatore

+3cc to Mr.O.S. Thilak Pasum Badiyar, Advocate, S.R.No.992 & 994
(15/02/2017)+2

rv(CO)
md(14/02/2017)

Crl.R.C.Nos.1035,1036 and 1040 of 2015



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