



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2017

CORAM:

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P(MD)No.2649 of 2017

S.Jothimani : Petitioner/Accused No.5

Vs.

State through

The Inspector of Police,

E.O.W.-II, Virudhunagar.

(Crime No.2 of 2016)

: Respondent/ Complainant

Prayer: Criminal Original Petition is filed under Section 439(1) (b) read with 482 of the Criminal Procedure Code praying to modify the order passed in Crl.M.P.No.661 of 2017 in Crime No.2 of 2016, dated 23.02.2017 by the Special Court under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Madurai, as regular surety instead of to deposit a sum of Rs.2 lakhs in the credit of the case, by the petitioner.

For Petitioner

: Mr.S.J.Chakkaravarthy

For Respondent

: Mr.K.V.Rajarajan,
Government Advocate (Crl.side)

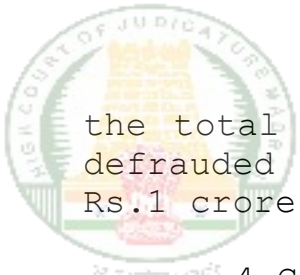
O R D E R

This petition has been filed praying to modify the condition in respect of depositing a sum of Rs.2 lakhs, imposed on the petitioner in the order dated 23.02.2017 passed in Crl.M.P.No.661 of 2017 in Crime No.2 of 2016, by the Special Court under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Madurai.

2.The learned counsel for the petitioner submits that the petitioner, who was one of the silent partner in the Finance Company, has been arrayed as accused No.5 for the alleged offences under Sections 406, 420, 120(B) I.P.C. read with Sections 4 and 5 (a) of Prize Chit and Money Circulation Schemes (Banning) Act 1978 and Section 5 of the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997.

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

3.The learned Government Advocate (Crl. Side) submits that



the total number of victim depositors is 33 and the total amount defrauded by the petitioner and other accused runs to above Rs.1 crore.

4. Considering the quantum of amount alleged to have been cheated by the petitioner and others, this Court is not inclined to entertain this petition. However, the learned counsel for the petitioner submits that the petitioner, as of now, has no liquid cash in her hand, but she is ready to deposit title deed in her name worth Rs.2 lakhs as surety.

5. I see some force in the said submission. Hence, the condition is modified to the effect that instead of cash deposit, immovable property worth Rs.2 lakhs may be deposited subject to the satisfaction of the learned Special Judge under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Madurai. All other conditions stand unaltered and the Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

smn/lis

To

1. The Special Judge under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Madurai.
2. The Inspector of Police,
E.O.W.-II, Virudhunagar.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.J.CHAKKARAVARTHY, Advocate Sr.No. 14316

JAM/14.03.17 /SV-MMS/SAR 2/ 2P-5C

ORDER MADE IN
Cr1.O.P(MD)No.2649 of 2017
14.03.2017