



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2017

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C(MD).No.663 of 2017

and

Crl MP(MD)No.7526 of 2017

Christopher @ Roshan

... Petitioner/Accused No.6

Vs.

The State rep.by
The Inspector of Police,
Economic Offences Wing II,
Virudhunagar
Crime No.2 of 2010

... Respondent/Complainant

Prayer : Criminal Revision Case filed under Section 397 r/w 401 to set aside the order dated 05.07.2017 passed in Crl.M.P.No.1980 of 2017 in C.C.No.10 of 2014 by the Special Judge under TANPID Act Cases at Madurai pertaining to Crime No.2 of 2010 on the file of the respondent police and allow the petition by discharging the petitioner from the charges leveled against him.

For Petitioner : Mr.K.Prabakaran

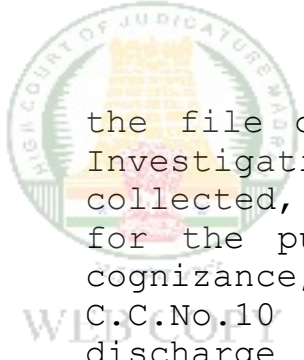
For Respondent : Mr.C.Mayilvahana Rajendran,
Additional Public Prosecutor

O R D E R

This Criminal Revision Case has been filed challenging the order, dismissing the petitioner's application to discharge him from the charges levelled against him.

2.The case of the prosecution, in brief, is as follows:

The petitioner is A6 in C.C.No.10 of 2014 on the file of the Special Judge under TANPID Act Cases at Madurai. Totally there are 7 accused and all of them stood charged for the offence punishable under Sections 406, 420, 120(b) r/w 34 IPC and Section 5 of the TNPID Act. A1 in this case, is a firm and A2 to A4 are its Managing Directors and they have collected Rs.4,10,76,800/- from the general public and failed to repay the same. Hence, ~~complaints have~~ been given by various depositors and based on the complaints, a case has been registered in Crime No.2 of 2010 on



the file of the respondent police and during investigation, the Investigating Officer came to know that, out of the amount collected, some amount was handed over to A6/the petitioner herein for the purpose of producing a movie. Thereafter, after taking cognizance, the Court below has taken the case on file in C.C.No.10 of 2014 and the petitioner has filed a petition to discharge him from the above proceedings and the same was dismissed. Challenging the same, the present Criminal Revision Case has been filed.

3.I have heard K.Paabakaran, learned counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor appearing for the respondent and perused the records carefully.

4.The learned counsel appearing for the petitioner would contend that the main allegation is that A1 to A4 have collected deposits from the general public and failed to repay the amount. Hence, they have committed offence under Sections 406, 420, 120 (b) r/w 34 IPC and Section 5 of the TNPID Act. So far as this petitioner is concerned, absolutely there is no materials on record to show that the deposited amount has been entrusted to him and none of the witnesses have spoken anything about this petitioner and there is no *prima facie* case is made out against the petitioner. The Court below without considering the same, has dismissed the application.

5.Per contra, the learned Additional Public Prosecutor appearing for the respondent would contend that during investigation it was found that A1 to A4 have collected huge amount from the general public and also cheated them and based on the complaints given by the depositors, a crime has been registered, during investigation, A2 was arrested and he stated in his confession statement that out of the deposited amount collected from the general public, some amount has been handed over to the present petitioner for the purpose of producing movie and subsequently, he did not repay the amount. Since the deposited amount has been handed over to this petitioner, he has also arrayed as an accused. The trial Court after considering the materials available on record, has rightly dismissed the petition and there is no illegality or irregularity in the order passed by the Court below.

6.I have considered the rival submissions made on either side.

7.From the materials available on record, it could be seen that A1 is a financial institution and A2 to A4 are the Directors and they have collected huge deposits from the general public and have failed to repay the same. It is also seen from the records that one of the Directors, A2 handed over huge amount to this petitioner for the purpose of producing movie and to that effect



confession statement has also been given. Apart from that, the prosecution has also recorded statements of one Sathiyaraj and Sakthi @ Prasanth, a cinema actor and director, to show that they have received some amount from the present petitioner. Hence, from the materials available on record, it is seen that the amount deposited from the general public has been entrusted to this petitioner and hence, he has also been impleaded in this case and there is *prima facie* case is made out against this petitioner to proceed against him.

8.The trial Court after considering the entire materials available on record, has rightly dismissed the petition. Hence, I find no reason to interfere with the well considered order passed by the Court below.

9.In fine, this Criminal Revision Case is dismissed. However, since the matter is pending from the year 2014, the Court below is directed to proceed with the trial and dispose of C.C.No.10 of 2014 within a period of six months from the date of receipt of a copy of this order. Consequently, CrI MP(MD)No.7526 of 2017 is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1.The Special Judge under TANPID Act Cases at Madurai

2.The Inspector of Police,
Economic Offences Wing II,
Virudhunagar.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mr.K.M.Subramaniam, Advocate, SR.No.75499

mj

RL/5C/3P/JC/SAR1/20/9/2017

CrI.R.C(MD) No.663 of 2017