

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 30.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.11937 of 2018

1.V.S.Rajathilagam
2.R.Sharmila

.. Petitioners

Vs

The Deputy Superintendent of Police
Economic Offences Wing-II
Guindy, Chennai 600 032. ..Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to issue a direction to the respondent police to keep the petitioners informed as to the call date in respect of their cases to be listed in the Special Court, Bombay City and Civil Sessions Court, Greater Mumbai.

For Petitioners : Mr.A.L.Namasivayam
For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

O R D E R

This petition has been filed to issue a direction to the respondent police to keep the petitioners informed as to the call date in respect of their cases to be listed in the Special Court, Bombay City and Civil Sessions Court, Greater Mumbai.

2. On the complaint lodged by several depositors, the Central Crime Branch registered a case in Cr.No.456 of 2009 on 19.09.2009 against City Limouzines (India) Ltd. and thereafter, for want of jurisdiction, the case was transferred to the Economic Offences Wing, Team-II (for short "the EOW-II") and it was re-numbered as Cr.No.2 of 2009 on 23.09.2009.

3. On the orders of the Supreme Court, all the FIRs were transferred to the file of the Principal Sessions Court, PMLA Special Court, Bombay City & Civil Sessions Court, Greater Mumbai. Under such circumstances, the petitioners, who are victims have filed the present petition with the above prayer.

4. Today, Ms.N.Komalavalli, Inspector of Police, EOW-II, Chennai, is present.

5. Heard Mr.A.L.Namasivayam, learned counsel for the petitioners and Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the respondent-State.

6. Mr.Namasivayam submitted that though the FIR was

registered in the year 2009, the victims have not seen the colour of the coin yet and the accused have also not been prosecuted. He further submitted that a direction may be issued as prayed for, so that the victims will know as to when they should appear before the Special Court at Mumbai for giving evidence. The request of the victims in this case is no doubt bona fide and genuine.

7. However, learned Additional Public Prosecutor submitted that the State of Tamil Nadu was not a party in the proceedings before the Supreme Court. That apart, the Supreme Court was given the wrong crime number, viz., CCB Cr.No.456 of 2009 and it was not brought to the notice of the Supreme Court that the case was transferred to EOW-II and re-numbered as Cr.No.2 of 2009. Further, during the course of investigation by the EOW, it came to light that 5,613 depositors have been cheated in Tamil Nadu to a tune of Rs.74 crores and that is why a case under Section 5 of the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997 was registered by the EOW-II. In fact, investigation has not been completed by EOW-II in Cr.No.2 of 2009 (Old Cr.No.456 of 2009) as they are indeed confused as to how they should proceed with the investigation when the case has been transferred by the Supreme Court directly to the Sessions Court in Mumbai.

8. Learned Additional Public Prosecutor also submitted that 5,000 witnesses in Tamil Nadu are people from the lower strata of society who do not know Hindi or English, but know only Tamil and that it will be a herculean task to transport all these persons to Mumbai and make them give evidence in a Court where Tamil is not the official language. Therefore, he submitted that the State is intending to file a review application before the Supreme Court for de-linking the case registered by EOW-II and for prosecuting the accused in the Courts in Tamil Nadu.

9. The above submission of the learned Additional Public Prosecutor is recorded. However, the Inspector of Police, EOW-II is directed to keep the petitioners informed every three months about the progress of the investigation in the case so that they are not kept in the dark.

With the above direction, this petition is ordered accordingly.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Deputy Superintendent of Police, Economic Offences Wing-
II Guindy, Chennai 600 032.

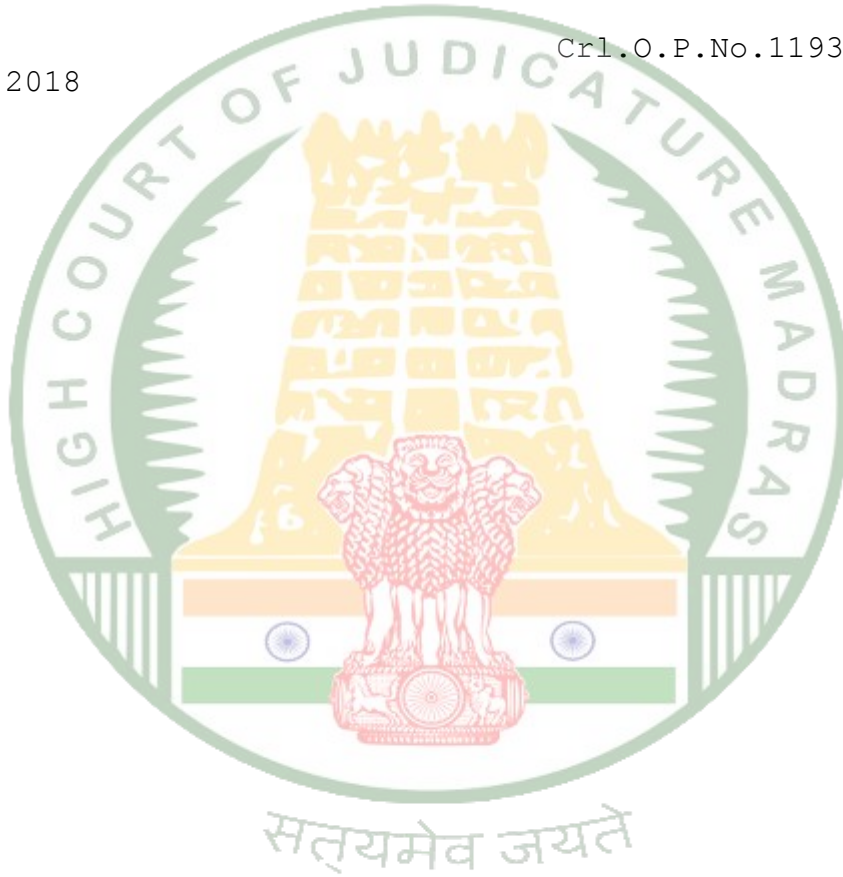
2.The Special Court, Bombay City and Civil Sessions Court,
Greater Mumbai.

3.The Public Prosecutor, High Court, Madras.

+2 cc to Mr.AL.Namasivayam, Advocate SR.NO.51582

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SMI/07.08.2018



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