

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.2802 of 2018

Association for the welfare of investors affected
by real estate group
rep. by its Secretary Mr.R.Dhakshinamoorthy
No.72/1, SRB Nagar
7th Street, Kollathur
Chennai 600 099. ... Petitioner

Vs

State represented by
Deputy Superintendent of Police
EOW-II
Anna Nagar, Chennai 102. ... Respondent/Complainant

Criminal Original Petition filed under Section 482
Cr.P.C. to direct the Special Court, Chennai formed under the
Tamil Nadu Protection of Interests of Depositors (in Financial
Establishments) Act, 1997 to expedite the trial for speedy
disposal in C.C.No.1 of 2014.

For Petitioner : Ms.Rohini Ravikumar
For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the Special Court,
Chennai formed under the Tamil Nadu Protection of Interest of
Depositors (in Financial Establishments) Act, 1997 [for short
"the TNPID Act"] to expedite the trial for speedy disposal of
C.C.No.1 of 2014.

2. The petitioner represents the interest of the victims
in C.C.No.1 of 2014 pending on the file of the Special Court for
the TNPID Act cases, Chennai. Pursuant to the order dated
01.02.2018 passed by this Court, the learned Special Judge for
TNPID Act cases, Chennai, has sent a report dated 23.02.2018,
wherein, he has stated as follows:

"I submit that I assumed full
additional charge of the Special Court under
TNPID Act, Chennai on 01.12.2017. I submit that

3 discharge petitions are pending in this case and after hearing the arguments of both sides twice, orders were not pronounced by the Offices as one of the officer went on deputation and another officer was elevated to the Hon'ble High Court. Hence, the CrI.M.P's have now been posted for hearing fresh arguments.

I further submit that there are 11 accused excluding the 7 Financial Establishments/Accused in C.C.No.1/2014. 121 depositors have been cited as witnesses in the Final Report. Trial could be commenced only after disposing the discharge applications. Further I submit another FIR is pending against the same accused and Investigating Officer had filed Final Report in Cr.No.9/2009 for more than 3000 depositors and the same has been returned by this Court for submitting the original documents.

I submit that trial of the case C.C.No.1/2014 will be commenced immediately after disposing the 3 discharge applications and after questioning the accused."

Thus, from a reading of the report it is seen that three discharge applications are pending and there are 3,000 depositors yet to be examined as prosecution witnesses.

3. In such view of the matter, this Court cannot issue a direction to the trial Court to complete the trial within a time bound manner. However, this Court directs the trial Court to dispose of the discharge applications within one month from the date of receipt of a copy of this order. If the accused do not co-operate, they can be remanded to custody in the light of the law laid down by the Supreme Court in State of Uttar Pradesh v. Shambhu Nath Singh [JT 2001 (4) SC 319]. Thereafter, the trial Court is directed to expeditiously dispose of the main case, provided there is no any other legal impediment.

With the above directions, this petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Deputy Superintendent of Police
EOW-II
Anna Nagar, Chennai 102.

2.The Special Court for TNPID Act Cases,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.2802 of 2018

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