



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Thursday, the Twenty Sixth day of July Two Thousand Eighteen

WEB COPY

PRESENT

**The Hon`ble Mrs.Justice R.THARANI**

CRL.M.P. (MD) Nos.5927, 5929, 5931, 5933, 5935, 5937, 5939,  
5941, 5943 & 5945 of 2018 in  
CRL.R.C. (MD) Nos.417 to 426 of 2018

BRAHMORAJ

... REVISION PETITIONER/ 2<sup>nd</sup> ACCUSED  
IN ALL THE PETITIONS

Vs

ENFORCEMENT OFFICER,  
EMPLOYEES PROVIDENT FUND ORGANIZATION,  
DISTRICT OFFICE- SIVAKASI,  
VIRUDHUNAGAR DISTRICT.

...1<sup>st</sup> RESPONDENT/ RESPONDENT  
IN ALL THE PETITIONS

**Prayer in CRL MP(MD) . 5927/ 2018 IN CRL RC(MD)No.417 of 2018:**

To stay all further proceedings to the operation of the order of the Additional District and Sessions Judge Court Virudhunagar, Crl.Appeal.No. /2012, order dated 28/03/2018, in C.C.No. 11/2003 in remanding the case for retrial before the Judicial Magistrate Cum District Munsif Court No. 2, Virudhunagar, pending disposal of this Criminal Revision Petition and thus render justice.

**Prayer in CRL MP(MD) . 5929/ 2018 IN CRL RC(MD)No.418 of 2018:**

To stay all further proceedings to the operation of the order of the Additional District and Sessions Judge Court Virudhunagar, Crl.Appeal.No.8 /2012, order dated 28/03/2018, in C.C.No.12/2003 remanding the case for retrial before the Judicial Magistrate Cum District Munsif Court No. 2, Virudhunagar, pending disposal of this Criminal Revision Petition and thus render justice.

**Prayer in CRL MP(MD) . 5931/ 2018 IN CRL RC(MD)No.419 of 2018:**

To stay all further proceedings to the operation of the order of the Additional District and Sessions Judge Court Virudhunagar, Crl.Appeal.No.10/2012, order dated 28/03/2018, in C.C.No. 14/2003 remanding the case for retrial before the Judicial Magistrate Cum District Munsif Court No. 2, Virudhunagar, pending disposal of this Criminal Revision Petition and thus render justice.

**Prayer in CRL MP(MD) . 5933/ 2018 IN CRL RC(MD)No.420 of 2018:**

<https://hcservices.ecourts.gov.in/hcservices/>  
To stay all further proceedings to the operation of the order of the Additional District and Sessions Judge Court Virudhunagar, Crl.Appeal.No.11/2012, order dated 28/03/2018, in C.C.No. 15/2003



remanding the case for retrial before the Judicial Magistrate Cum District Munsif Court No. 2, Virudhunagar, pending disposal of this Criminal Revision Petition and thus render justice.

**Prayer in CRL MP(MD) . 5935/ 2018 IN CRL RC(MD)No.421 of 2018:**

To stay all further proceedings to the operation of the order of the Additional District and Sessions Judge Court Virudhunagar, Crl.Appeal.No. /2012, order dated 28/03/2018, in C.C.No. 19/2003, remanding the case for retrial before the Judicial Magistrate Cum District Munsif Court No. 2, Virudhunagar, pending disposal of this Criminal Revision Petition and thus render justice.

**Prayer in CRL MP(MD) . 5937/ 2018 IN CRL RC(MD)No.422 of 2018:**

To Stay all further proceedings to the operation of the order of the Additional District and Sessions Judges court Virudhunagar, in Crl.Appeal.NO. /2012 order dated 28/03/2018, in C.C.NO.20/2003 remanding the case for retrial before the Judicial Magistrate Cum District Munsif court, No.2, Virudhunagar, pending disposal of this Criminal Revision Petition and thus render justice.

**Prayer in CRL MP(MD) . 5939/ 2018 IN CRL RC(MD)No.423 of 2018:**

To Stay all further proceedings to the operation of the order of the Additional District and Sessions Judges Court Virudhunagar, in Crl.Appeal No.15/2012 order dated 28/03/2018, in CC NO.22/2003 remanding the case for retrial before the Judicial Magistrate Cum District Munsif Court No.2, Virudhunagar, pending disposal of this Criminal Revision Petition and thus render justice.

**Prayer in CRL MP(MD) . 5941/ 2018 IN CRL RC(MD)No.424 of 2018:**

To Stay all further proceedings to the operation of the order of the Additional District and Sessions Judges Court Virudhunagar, in Crl.Appeal No. /2012 order dated 28/03/2018, in CC NO.23/2003 remanding the case for retrial before the Judicial Magistrate Cum District Munsif Court No.2, Virudhunagar, pending disposal of this Criminal Revision Petition and thus render justice.

**Prayer in CRL MP(MD) . 5943/ 2018 IN CRL RC(MD)No.425 of 2018:**

To Stay all further proceedings to the operation of the order of the Additional District and Sessions Judges Court Virudhunagar, in Crl.Appeal No. /2012 order dated 28/03/2018, in CC NO.16/2003 remanding the case for retrial before the Judicial Magistrate Cum District Munsif Court No.2, Virudhunagar, pending disposal of this Criminal Revision Petition and thus render justice

**Prayer in CRL MP(MD) . 5945/ 2018 IN CRL RC(MD)No.426 of 2018:**

To Stay all further proceedings to the operation of the order of the Additional District and Sessions Judges Court Virudhunagar, in Crl.Appeal No. /2012 order dated 28/03/2018, in CC NO.18/2003 remanding the case for retrial before the Judicial Magistrate Cum District Munsif Court No.2, Virudhunagar, pending disposal of this Criminal Revision Petition and thus render justice.



Order : These petitions coming on for orders upon perusing the petition sfiled in support thereof and upon hearing the arguments of Mr.F.X.EUGENE, Advocate for the petitioner in all the petitions, While admitting CRL RCs, the court made the following order:-

The Revision petitioner is aged about 89 years. The first appellate Court could have passed an order on merits instead of remanding the matter and ordering 'de novo' trial.

2.The learned counsel for the petitioner placed on reliance the decision of the Hon'ble Supreme Court reported in A.I.R. 1998 S.C. 2676 in Agarwal's case to sustain his contention that the petitioner as a Director cannot come within the expression "employer" as defined in Section 2 of the Employees' Provident Fund Act.

3.Finding prima facie force in the contention of the learned counsel for the petitioner, there shall be an order of Interim Stay. Notice.

sd/-  
26/07/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
VIRUDHUNAGAR.
2. THE JUDICIAL MAGISTRATE CUM DISTRICT MUNSIF NO.2,  
VIRUDHUNAGAR.
3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.

ORDER IN  
CRL.M.P. (MD) Nos.5927, 5929, 5931, 5933,  
5935, 5937, 5939, 5941, 5943 & 5945 of 2018  
in CRL.R.C. (MD) Nos.417 to 426 of 2018  
Date :26/07/2018

**MS/MMS/SAR-1/26.07.2018/3P.4C**