



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

Tuesday, the Seventeenth day of September Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD) No.8042 & 8044 of 2019

IN

CRL OP(MD) No.8060 of 2018

1 MADHUSOODHANAN THAMBI

2 RAJENDRA NAIR

3 PADHMA KUMAR

4 D.STANLEY JOSE,

5 VILOCHANA DHAS, ... PETITIONER in both the petitions

Vs

1 T.AJAN BABU, ...1st Respondent in CRL MP(MD) No.8042/19

2 LEKHA @ REKHA

3 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING II, NAGERCOIL,
KANYAKUMARI DISTRICT
(CR.NO.1/2017)

...2nd & 3rd Respondents in CRL MP(MD) No.8042/19

...1st & 2nd Respondents in CRL MP(MD) No.8044/19

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to set aside the order passed by this Honorable Court in Crl.MP (MD) No.4241 of 2019 Crl.OP (MD) No.8060 of 2018, dated 27.04.2019.

PRAYER IN CRL MP(MD).8044 OF 2019:

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Modify the order passed by this Hon'ble court in CRL OP(MD).8060 OF 2018, dated 31.07.2018.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S. J. ANANDHAVALLI, Advocate for the petitioner in both the petitions and of MR.A.ROBINSON, Government Advocate (Crl. Side) for 3rd Respondents in CRL MP(MD) No.8042/19 and 2nd Respondents in CRL

MP(MD) No.8044/19 the court made the following order:-
<https://hdservices.nic.gov.in/cases>



Crime No.1 of 2017 was registered on the file of the Economic Offences Wing - II, Nagercoil, Kanyakumari District following the commission of default by the financial establishments run in the name and style of Nirmal Krishna Nidhi Limited and two other entities. When some of the accused moved this Court seeking anticipatory bail, this Court by order dated 31.07.2018 directed the constitution of committee so that the properties of the said financial establishments could be brought to sale in a time bound manner.

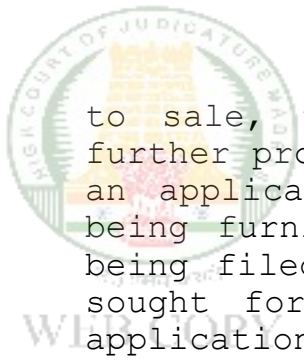
2.The petitioners herein point out that even though more than one year has elapsed, not even a single immovable property has been brought to sale. The petitioners' counsel would contend that the committee which was constituted pursuant to the order of this Court was not in position to fast track the sale process intended by this Court. The petitioners' counsel therefore wants this Court to permit the aggrieved depositors to directly move the Special Court so that the properties in question could be brought to sale straightaway by the competent authority/District Revenue Officer, Nagercoil.

3.This Court by order dated 27.04.2019 in Crl MP(MD)No.4241 & 4242 of 2019 had already held as follows :

"4.This Court however makes it clear that this order was not intended to fetter the powers of the Special Court. It was only to fast track the entire mechanism, so that the affected depositors can get some speedy relief. Therefore, this Court permits the petitioner herein to move the Special Court for passing appropriate orders.

5.It is made clear that any issue arising out of this order or the sale of the assets of the finance establishment or the accused, will be decided by the Special Court. There is no need to the parties to move this Court for clarification. Since this Court intended that the issue must be resolved in a time bound manner, the Special Court will take up the applications filed in that regard and dispose it of expeditiously. Since, the District Revenue Officer has been designated as the competent authority under the TNPID Act, he is expected to discharge his duties, keeping in mind the letter and spirit of the statute. He will have to abide by any direction that may be passed by the Special Court in order to effectuate the object behind the order dated 31.07.2018 made in the aforesaid Criminal Original Petitions."

Therefore, the petitioners herein have every right as aggrieved depositors to move the Special Court constituted under the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997 and file appropriate applications for directing the competent authority to bring the properties of the accused for sale. Since for full one year, the Committee in



to sale, the Special Court can disassociate the committee from further proceedings. The petitioners herein are permitted to submit an application under the RTI Act to the competent authority for being furnished with any relevant detail. On such application is being filed, the competent authority shall furnish the information sought for within a period of two weeks from the date of such application.

4. These criminal miscellaneous petitions stand disposed of accordingly.

sd/-
17/09/2019

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

TO

- 1 THE JUDGE, SPECIAL COURT,
TANPID ACT CASES, MADURAI
- 2 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING II, NAGERCOIL,
KANYAKUMARI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2. C.C. to M/S. J. ANANDHAVALLI Advocate SR.No.15678 & 15679

ORDER
IN
CRL MP (MD) No.8042 of 2019
IN
CRL OP (MD) No.8060 of 2018
Date :17/09/2019

TR/PN/SAR-IV (18.09.2019) 3P 6C