



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cr1.R.C(MD)No.255 of 2014

Kannupillai

...Petitioner/Accused- A3

Vs

The State represented by
The Inspector of Police,
Economic Offences Wing - II,
Nagercoil.
[Crime No.3 of 2007]

...Respondent/Complainant

Prayer: Criminal Revision Case has been filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the judgment passed by the learned Special Judge, TANPID Act Court, Madurai in CMP No.2457 of 2013, dated 03.02.2014 in C.C.No.30 of 2013, dismissing the discharge application and set aside the same and acquit the petitioner.

For petitioner : Mr.S.Suresh Kumar
For Respondent : Mrs.S.Bharathi,
Government Advocate (Cr1Side)

ORDER

This Criminal Revision Case was filed by the accused No.3, in C.C.No.3 of 2007 pending on the file of the Special Court under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Madurai, as against the order passed by the Special Court in Cr.M.P.No.2457 of 2013 in C.C.No.30 of 2013 on 03.02.2014.

2.The petitioner has filed an application under Section 227 of CrPC, to discharge him from C.C.No.30 of 2013. The Special Court under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Madurai, (herein after shall be referred to as the Special Court(TANPID Act), Madurai by order dated 03.02.2014 dismissed this application filed by the petitioner and aggrieved over the same, the petitioner has filed this present revision case.

3.This Court, while admitting this revision case on 09.06.2014 granted an order of interim stay of further proceedings. The respondent police filed a counter affidavit in

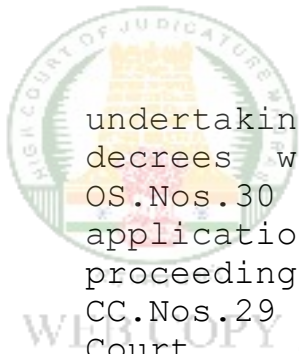


by this Court was vacated by order dated 26.07.2019. Thereafter, this revision case was listed for final disposal before this Court. This Court by order dated 15.10.2019 directed the learned Government Advocate to get an affidavit from the concerned investigating agency with regard to the steps taken by them, for attaching the properties of the accused as provided under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997.

4. Accordingly, the Deputy Superintendant of Police, Economic Offences Wing -II, Nagercoil, filed a common status report in CrlRC(MD)NOS.255 and 264 of 2014 and along with a typed set of papers with the copies of the fixed deposits receipts issued in the name of the accused along with 161(3)CrPC statements of the witnesses.

5. According to the respondent Police, during the investigation they found that the accused have paid a sum of Rupees Twenty Five Lakh to one Velappanpillai for construction of a marriage hall and the said Velappanpillai did not repay the amount and therefore, two suits were filed in O.S.Nos.30 and 31 of 2004 against the said Velappanpillai, before the District Court, Nagercoil. Pending the same, the case in Crime No.3 of 2007 was registered and after investigation, they filed the final report before the TNPID Court, Madurai, on 11.10.2011. The investigating agency, after collecting the details about the suits, has also filed O.A.No.7 of 2016 before the TNPID Court, Madurai, to attach the properties of Velappanpillai that the transaction itself is a malafide one and the same is pending in view of the pendency of the suits. But, it appears the suits were decreed on 26.08.2018 itself.

6. Mr. Suresh Kuamr, learned Counsel appearing for the petitioner/3rd accused would submit that the accused No.II, Thulasi @ Ramakrishnan, who was the proprietor of the first accused company and his son Sivaraman was a Managing Director. It is represented that the marriage hall, available in the name of Vellappan pillai is now with the Sivaraman, pursuant to the decree passed by the civil Court and he has also filed an application before the trial Court and the son Sivaraman has filed the application before the trial Court that after the demise of his father Tulasiraman, he has impleaded himself in the suit filed as against Velappan Pillai in O.S.Nos.30 and 31 of 2004 and the same was decreed in favour of Sivaraman as on 22.06.2018 and as against the judgment and decree, Velappan Pillai has not filed any appeal and therefore, the judgment and decree passed in OS.Nos.30 and 31 of 2004 on 22.06.2018 became final. As decree holder of the suit, Sivaraman has also filed an affidavit before the trial Court, namely, TNPID Court, Madurai in OA.No.7 of 2016 with an



undertaking that he is willing to assign and transfer the two suit decrees with regard to their respective share and right in OS.Nos.30 and 31 of 2004 in favour of the competent authority in application in O.A.No.7 of 2016 so as to disburse the recovery proceedings of the Government, who are arrayed as witnesses in CC.Nos.29 and 30 of 2013, 7 and 8 of 2014 pending before the trial Court. Other legal heirs of Velappanpillai have also filed an undertaking affidavit before the trial Court.

7.Pursuant to the application filed by the Sivaraman before the trial Court, the learned Counsel for the petitioner in Crl.R.C (MD)No.264 of 2014 sought permission of this Court to withdraw the petition with liberty to raise all these grounds before the trial Court. He also seeks indulgence of this Court to issue necessary directions to the trial Court to pass necessary orders in OA.No.7 of 2016 pending on the file of the trial Court to take further action based on the affidavit filed by Sivaraman as well as the legal heirs of Velappanpilai and accordingly, this criminal revision case is dismissed as withdrawn.

8.Trial Court is directed to pass orders by appointing Competent Authority in O.A.No.7 of 2016. The trial Court shall also pass appropriate orders under Section 7(8) of TNPID Act, by passing necessary orders for equal disbursement of the money attached.

9.Considering the fact that the final report in this case was filed as early as in the year 2013 and the trial could not proceed in view of the pendency of this revision case before this Court and this Court deems it fit to issue further direction to the trial Court to expedite the trial and conclude the same within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Dsk

To

1.The Special Judge,
TANPID Act, Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Economic Offences Wing - II,
Nagercoil.

Copy to

The Record Keeper (2copies)
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.S.SURESHKUMAR, Advocate (SR-98334[F] dated 14/11/2019
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14.11.2019

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