



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.09.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**

CrI.O.P. (MD) No.7863 of 2020

B.K.Ganesh Babu

... Petitioner

Vs.

1.The Superintendant of Police,
Madurai District, Madurai.

2.The Deputy Superintendant of Police,
Economic Offences Wing-II, Madurai.

3.The Deputy Superintendant of Police,
District Crime Branch,
District Police Office, Madurai.

4.The Inspector of Police,
District Crime Branch,
District Police Office, Madurai.

5.Madurai Rural Development Transformation
India Limited (Group Companies),
Rep by its Director G.Ramarathinam,
No.32, T.N.H.B. Colony, Railor Nagar,
Koodal Nagar, Madurai.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying this Hon'ble Court to issue an order or direction directing the 2nd Respondent to disburse the deposit amount of Rs.1,00,000/- to the petitioner, which is due to him by the 5th Respondent by considereing the Petitioners representation dated 05/03/2020 and by considereing the communication of the 1st respondent in his proceeding No.C.No.48/DSP/EOW-II/MD/20, dated 06.03.2020 and in the light of the order of this Hon'ble Court dated 14.11.2014 made in W.A(MD) No.1267 of 2014.

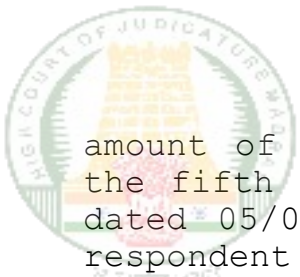
For Petitioner : Mr.M.R.Sreenivasan

For R1 to R4 : Mr.S.Chandrasekar

Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed seeking a direction to direct the second respondent to disburse the deposit



amount of Rs.1,00,000/- to the petitioner, which is due to him by the fifth respondent by considering the Petitioners representation dated 05/03/2020 and by considering the communication of the 1st respondent in his proceeding No.C.No.48/DSP/EOW-II/MD/20, dated 06.03.2020 and in the light of the order of this Court dated 14.11.2014 passed in W.A(MD) No.1267 of 2014.

2.Today, when the petition is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents 1 to 4, on instructions, would submit that in respect to the non-payment of deposit amount, which is due to him by the fifth respondent, a case has been registered against the fifth respondent in Crime No.4 of 2014 for the offence punishable under Sections 406, 420, 120(b) of I.P.C r/w Section 5 of TNPID Act, 1997. Now after completing the investigation, a charge sheet has been filed and the same was pending on the file of the TNPID Court, Madurai, in C.C.No.11 of 2015. In the meantime, while at the time of disposing W.A(MD) No.1267 of 2014, dated 14.11.2014, this Court directed the respondents to constitute a committee and disburse the recovery amount to the persons, who are all affected in the alleged offence. Accordingly, arrangement was made and as of now, the Court itself is disbursing the proposed deposit amounts to all the depositors. In fact, in the company running by the fifth respondent, totally 5,595 depositors deposited their amounts in which the present petitioner is one of the depositors who assigned with Serial No.4921 and therefore, the prayer sought for by the petitioner had already been considered by the respondent and therefore, no further order is necessary.

3.In this regard, the learned counsel for the petitioner would submit that though the arrangement had already been made for disbursing the proportionate deposit amount, considering the medical condition of the petitioner it is necessary to give some priority for disbursing the deposit amount to the petitioner. In support of his contention, he has produced the copy of the medical certificate issued in favour of the petitioner.

4.In view of the above, this Criminal Original Petition is disposed of with a direction to the Disbursing Officer to consider the prayer sought for by the petitioner and pass appropriate orders.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Superintendent of Police,
Madurai District, Madurai.
2. The Deputy Superintendent of Police,
Economic Offences Wing-II, Madurai.
3. The Deputy Superintendent of Police,
District Crime Branch, District Police Office, Madurai.
4. The Inspector of Police,
District Crime Branch, District Police Office, Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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