



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.9262 of 2016

and

W.P. (MD)No. 8839 of 2016

Crl.O.P. (MD)No.9262 of 2016

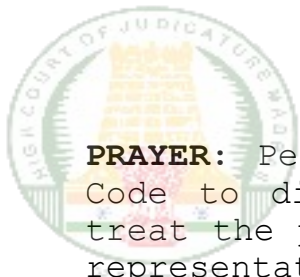
- 1.Pon Rajendran
- 2.J.R.Manikandan
- 3.K.Subramanian
- 4.K.R.Thirunavukarasu
- 5.V.P.S.Alagumalai
- 6.R.Kannan
- 7.A.Janzi Rani
- 8.S.Shankar
- 9.V.Narayanasamy
- 10.S.Sivalam

... Petitioners

-vs-

- 1.Deputy Superintendent of Police,
Economic Offences Wing-II,
No.II, Abdul Salim Street,
Kaja Nagar, Manapuram,
Trichy-20.
- 2.Deputy Superintendent of Police,
Economic Offences Wing-II,
Plot No.158, Ground Floor,
4th Cross Street, Anna Nagar, Madurai-20.
- 3.Deputy Superintendent of Police,
Economic Offences Wing-II,
Medai Police Station,
Palayam Kottai,
Tirunelveli District.
- 4.The Inspector of Police,
Economic Offences Wing-II,
Trichy District.
- 5.The Inspector of Police,
Economic Offences Wing-II,
Madurai District.
- 6.The Inspector of Police,
Economic Offences Wing-II,
Tirunelveli District.

... Respondents



PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to direct the respondents particularly the 5th respondent to treat the petitioners and others as witnesses on the basis of their representations dated 14.03.2016 and 28.03.2016 and record their statements under Section 161(3) of Cr.P.C., relating to Crime No.9 of 2015 on the file of the 5th respondent EOW Police Station instead of harasing them.

For Petitioner : Mr.M.Kalamurugappan
For Respondents : Mr.A.Robinson,
Government Advocate (Crl.side)

W.P. (MD)No. 8839 of 2016

1.Pon Rajendran
2.J.R.Manikandan
3.K.Subramanian
4.K.R.Thirunavukarasu
5.V.P.S.Alagumalai
6.R.Kannan
7.A.Janzi Rani
8.S.Shankar
9.V.Narayanasamy
10.S.Sivalam

... Petitioners

Vs

1.Home Secretary,
Secretariat,
Chennai, Tamilnadu

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai.

3.The Deputy Inspector General of Police,
Economic Offences Wing,
SIDCO, Guindy, Chennai.

4.The Superintendent of Police,
Economic Offences Wing,
Guindy, Chennai.

5.District Revenue Officer,
Madurai District,
Madurai.

6.District Revenue Officer,
Tirunelveli District,
Tirunelveli.



7.District Revenue Officer,
Trichy District,
Trichy.

8.Deputy Superintendent of Police,
Economic Offences Wing -II,
No.II, Abdul Salim Street,
Kaja Nagar,
Manapuram, Trichy-20.

9.Deputy Superintendent of Police,
Economic Offences Wing-II,
Plot No.158, Ground Floor,
4th Cross Street,
Anna Nagar, Madurai-20.

10.Deputy Superintendent of Police,
Economic Offences Wing-II,
Medai Police Station,
Palayam Kottai,
Tirunelveli District.

11.The Inspector of Police,
Economic Offences Wing-II,
Trichy District.

12.The Inspector of Police,
Economic Offences Wing-II,
Madurai District.

13.The Inspector of Police,
Economic Offences Wing-II,
Tirunelveli District.

14.HBN Company,
D-Mall 4th Floor,
Paschiam Vihar, near Radisson Blue Hotel,
New Delhi.

15.M.Renganathan

16.Devika ... Respondents

PRAYER : Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 13 particularly the first respondent to pass an Interim order attaching the properties of the 14th respondent HBN Company Under Section 3 of the Tamil Nadur Protection of Interest of Depositors (In Financial Establishment) Act 1997 pertaining to Crime No.9 of 2015 on the file of Economic Offences Wing-II, Police Station, Madurai, Crime No.3 of 2015 on the file of



EOW Police Station, Trichy, Crime No.2 of 2016 on the file of EOW Police Station, Tirunelveli.

For Petitioner: Mr.M.Kalamurugappan

For R1 to 14 : Mr.A.Robinson,
Government Advocate(Crl.side)

For R15 and 16: Mr.S.Palanivelayutham

COMMON ORDER

The learned counsel for the petitioners states that he has returned the papers to the petitioners herein. The said statement is taken on record.

2.It is seen that the petitioners herein had invested their moneys in a company by name HBN Dairies and Allied Limited Company and that the said company had committed default in the matter of repayment. In this regard, Crime No.3 of 2015 was registered by the Inspector of Police, EOW, Trichy. Another case has been registered in Crime No.9 of 2015 by EOW-2, Madurai. The petitiones hail from various districts.

3.The prayer made by the petitioners in Criminal Original Petition (MD)No.9262 of 2016 is that they should also be treated as prosecution witnesses and that their statements under Section 161(3) of Cr.P.C., should be recorded. I find the said request to be reasonable. Therefore, the Inspector of Police, EOW-2, Madurai, is directed to record the statements of the petitioners herein and take further action as per law. It is seen that the cases are of the year 2015. Almost 5 years have elapsed.

4.Therefore, the Inspector of Police, Economic Offences Wing-II, Madurai District, is directed to expedite the investigation in Crime No.9 of 2015 and file a final report before the jurisdictional Court at the earliest. Accordingly, Criminal Original Petition (MD) No.9262 of 2016 is allowed.

5.The prayer in W.P.(MD)No.8839 of 2016 is that the properties of the financial establishment should be attached. No exception can be taken to the request made by the petitioners. The Tamil Nadu Protection of Interests of Depositors in Financial Establishments Act, 1997 contains a scheme for the protection of the interested depositors. It contemplates that the properties of the financial establishments and the accused are attached for distribution of the sale deposit amount to the depositors. Eventhough, several years have elapsed the properties of the establishment have not been identified or attached. I can only express my displeasure.



6. Therefore, the first respondent is directed to take appropriate steps in accordance with law for attaching the properties of the 14th respondent / financial establishment. Accordingly, this writ petition is allowed.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

pnn

To

1. Deputy Superintendent of Police,
Economic Offences Wing-II,
No. II, Abdul Salim Street,
Kaja Nagar, Manapuram, Trichy-20.

2. Deputy Superintendent of Police,
Economic Offences Wing-II,
Plot No. 158, Ground Floor,
4th Cross Street, Anna Nagar, Madurai-20.

3. Deputy Superintendent of Police,
Economic Offences Wing-II,
Medai Police Station,
Palayam Kottai,
Tirunelveli District.

4. The Inspector of Police,
Economic Offences Wing-II,
Trichy District.

5. The Inspector of Police,
Economic Offences Wing-II,
Madurai District.

6. The Inspector of Police,
Economic Offences Wing-II,
Tirunelveli District.

7.1. Home Secretary,
Secretariat,
Chennai, Tamilnadu



8.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai.

9.The Deputy Inspector General of Police,
Economic Offences Wing,
SIDCO, Guindy, Chennai.

10.The Superintendent of Police,
Economic Offences Wing,
Guindy, Chennai.

11.District Revenue Officer,
Madurai District,
Madurai.

12.District Revenue Officer,
Tirunelveli District,
Tirunelveli.

13.District Revenue Officer,
Trichy District,
Trichy.

14.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD)No.9262 of 2016
and
W.P. (MD)No. 8839 of 2016
22.01.2020

VB(03.06.2020) 6P 15C