



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.01.2020**

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.(MD)No.17735 of 2019

WEB COPY

A.Jeyakumar

... Petitioner

Vs

1.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

2.The Deputy Superintendent of Police,
Economic Offence Wing,
Nagercoil, Kanyakumari District.

3.The Inspector of Police,
Economic Offence Wing,
Nagercoil, Kanyakumari District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent herein to treat the petitioner's complaint as 161(3) statement and also direct the second respondent to add the petitioner as additional witness and file additional report in connection with C.C.No.3 of 2017 pending on the file of the Special District Court, TNPID Act, Madurai on the basis of his complaint dated 24.09.2019.

For Petitioner : Mr.S.Sukumar

For Respondents : Mr.S.Chandrasekar,
Additional Public Prosecutor

ORDER

This petition has been filed to direct the second respondent herein to treat the petitioner's complaint as 161(3) statement and also direct the second respondent to add the petitioner as additional witness and file additional report in connection with C.C.No.3 of 2017 pending on the file of the Special District Court, TNPID Act, Madurai on the basis of his complaint dated 24.09.2019.

2.The learned counsel appearing for the petitioner would submit that the petitioner is the one of the depositors of the Palliyadi Retna Chit Fund and the said Chit was run by one Kanagaraj. He had joined Rs.2,00,000/- Chit and he has paid a sum of Rs.53,400/- by way of 16 installments. However, the



accused/Palliyadi Retna Chit Fund was closed and the deposits were not returned to the depositors and based on the complaint given by the other depositors case in Crime No.1 of 2011 was registered by the respondent police, which culminated into filing of final report in C.C.No.3 of 2017. Though the petitioner is a victim, he has not been cited as witness in this case. Thereby, he would seek, a direction may be issued to the second respondent to treat the petitioner's complaint as 161(3) statement and to add the petitioner as additional witness.

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that though wide publicity had been given by the respondent police about the cheating by the accused person, the petitioner did not approach the respondent prior to filing of the final report. He would further submit that if the petitioner proves that he is a victim/depositor by producing relevant document, the respondent police will conduct enquiry and take appropriate steps to add the petitioner as witness in this case by filing appropriate petition before the concerned Court.

4.In view of the above, a direction is issued to the respondent to verify genuineness of the claim made by the petitioner and file suitable application before the Special District Court, TNPID Act, Madurai in C.C.No.3 of 2017 to add the petitioner as additional witness.

5.With the above directions and observations, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

vsg

To

1.The Special District Court,
TNPID Act,
Madurai.

2.The Superintendent of Police,
Kanyakumari District,

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



3.The Deputy Superintendent of Police,
Economic Offence Wing,
Nagercoil, Kanyakumari District.

4.The Inspector of Police,
Economic Offence Wing,
Nagercoil, Kanyakumari District.

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

+1 CC to MR.S.SUKUMAR, Advocate (SR-853[F] dated 08/01/2020)

Crl.O.P. (MD)No.17735 of 2019
08.01.2020
(1/2)

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