



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.09.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

CRL.OP.No.23876/2016 & Crl.MP.Nos.11346 & 11347/2016

Shri J.Ramachandran

..Petitioner/Accused

Versus

The Enforcement Officer
Enforcement Directorate
26, Haddows Road
Madras 600 006.

..Respondent/Complainant

Prayer:- Criminal Original Petition filed u/s.482 of Cr.P.C., to call for the records pertaining to E.O.[II] CC.No.883/1993 on the file of the learned Additional Chief Metropolitan Magistrate, Economic Offences, Egmore, Madras 600 008 so as to quash the same.

For Petitioner : Mr.N.Jothi, Senior Counsel
for Mr.M.C.Govindan

For Respondent : Mr.Rajnish Pathiyil
Special Public Prosecutor
[Enforcement Directorate]

ORDER

- (1) The present Criminal original petition has been filed taking advantage of Section 482 of the Code of Criminal Procedure, seeking interference with the further proceedings of E.O.-II.C.C.No.883/1993, now pending on the file of the Court of Additional Chief Metropolitan Magistrate/Economic Offences-II, Egmore at Chennai.
- (2) The contention of the present petitioner herein is that he is facing prosecution in the said Economic Offences



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Calendar Case for non-payment of penalty as adjudicated by the order dated 20.04.1992 passed by the Special Director, Directorate of Enforcement. That order had been taken up on appeal before the Appellate Authority under the FERA Act, in Appeal No.20/1993 and initiation of prosecution was also challenged by the petitioner in WP.No.2726/1995. The writ petition was dismissed. Thereafter, WA.No.1548/2003 came to be filed and the Division Bench directed disposal of the Appeal No.20/1993 within a stipulated period of time. Thereafter, the Appellate Authority disposed of A.No.20/1993 confirming the order of the Special Director, imposing penalty. Against that particular order, the petitioner had filed CMA.No.2345/2009, which came up for consideration before a Division Bench of this Court and by a detailed order dated 07.08.2015, the Division Bench had, after considering all the facts and circumstances surrounding the case, finally, had thought it fit to allow the appeal and set aside the order of the Adjudicating Officer and also the Appellate Authority. The Division Bench had also taken a conscious decision, not to remand the matter back as they had held that it would be an exercise in futility.

- (3) In view of such final order passed by the Division Bench, a Memo had been now filed by Mr.Rajinish Pathiyil, learned Special Public Prosecutor appearing on behalf of the respondent, wherein he had very clearly stated that he had received instructions from the Enforcement Officer / Enforcement Directorate to inform the Court that further proceedings in EO-[II],CC.No.883/1993 would also consequently be a further exercise in futility and no effective purpose would be served by proceeding with the said Calendar Case. As stated, the said Calendar case revolves around penalty imposed and such penalty had been set aside by the order passed in CMA.No.2345/2009 dated 07.08.2015.
- (4) Naturally, trial on the said issue has also become redundant and it would only be an exercise wherein witnesses would be speaking about an issue which had already been decided and which, no longer survives.
- (5) In view of all these facts, the pending proceedings in EO-II.CC.No.883/1993 now pending on the file of the Court of Additional Chief Metropolitan Magistrate, / Economic Offences-II, Egmore, is quashed and the Criminal Original



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Petition stands allowed. Consequently, the connected miscellaneous petitions stand closed.

Sd/-

Assistant Registrar(CJ CONF)

//True Copy//

Sub Assistant Registrar

AP

To

1. Additional Chief Metropolitan Magistrate/
Economic Offences, Egmore, Chennai.
2. The Enforcement Officer
Enforcement Directorate, 26, Haddows Road
Madras 600 006.
3. The Special Public Prosecutor for
Enforcement Directorate cases,
High Court, Chennai.

Copy to :

The Section Officer, Criminal Side Record,
High Court, Madras.

+4CCs to Mr.V.Manoharan, Advocate, Sr.Nos.46103, 46369
+1CC to Mr.Rajnish Pathiyil, Advocate, Sr.No.46297

CrI.OP.No.23876/2016

NR (CO)

K.RK. (27.09.2021)