

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON`BLE MR JUSTICE N. KIRUBAKARAN

CMP No.3743 of 2020
in
CMA.1323 of 2010

1 S.THURASINGAM
S/ SANKARAN PILLAI

2 T.VASUMATHY

3 T.VASANTHI ...Applicants/Appellants

Vs

1 THE COMPETENT AUTHORITY AND
THE SPECIAL COMMISSIONER AND
COMMISSIONER OF LAND ADMINISTRATION DEPARTMENT,
CHEPUAK, NOW BYU DISTRICT REVENUE OFFICER,
COLLECTORATE, CHENNAI 600 001.

2 BHARATHI GEMS AND JEWELS
DEPOSITORS ASSOCIATION,
REP BY ITS PRESIDENT G.E.KRISHNAN,
CHENNAI

3 STATE,
REP BY COMMISSIONER OF POLICE,
CENTRAL CRIME BRANCH,
CHENNAI 8, NOW BY ADGP DOW II POLICE,
CHENNAI. ...Respondents/Respondents

Prayer : Appeal against the order dated 22.04.2010, made in
O.A.No.16 of 2009 on the file of the learned Special Judge,
under TNPID Act, 1997, Chennai-104.

Order : This petition coming on for hearing on this day, and
upon perusing the petitioner and the affidavit filed in support
thereof on the file of the High Court and upon hearing the
arguments of Mr.R.LOGANATHAN, Advocate for the petitioner and

Mr.Ms.A.Madhumathi, AGP for the Respondent Nos.1 to 3 and Mr.A.Rajendran, Advocate for the II Respondent this Court made the following order:

The present C.M.P. has been filed by the petitioners/appellants in C.M.A. No. 1323/2010 to clarify the figures mentioned in various paragraphs of the judgment dated 17.12.2019 by which the above appeal was disposed of along with C.M.A. No. 1324 of 2010.

2. Heard Mr. R. Loganathan, learned counsel for the petitioners and Mr.Edwin Prabakar, learned Government Advocate for respondents 1 and 3.

3. It has been brought to the notice of this Court by Mr.R.Loganathan that in clause 6 of paragraph No.15 of the judgment dated 17.12.2019, this Court had directed the learned Chief Metropolitan Magistrate, Egmore and the learned Judicial Magistrate No.1, Madurai to hand over the precious metals, jewellery and stones available under their custody to the 1st petitioner/1st appellant whereas the case had been made over to learned Chief Judicial Magistrate, Madurai. Hence, clause 6 of paragraph No.15 of the judgment dated 17.12.2019 may be clarified accordingly.

4. Mr.Edwin Prabakar, learned Government Advocate would submit that subsequent to the orders passed by this Court, about 20 depositors have approached the respondent concerned and the claim made by them would be around Rs.7.5 lakhs. It is his further submission that there may be some more depositors, who may approach with their claims.

5. Considering the submissions made by the learned counsel on either side, the following clarifications are issued in respect of the judgment dated 17.12.2019 in the above C.M.A:

"(i) In paragraph No.12 of the judgment dated 17.12.2019, out of a total sum of Rs. 69,04,081/-, this Court had directed to retain Rs.9 lakhs as deposit for some time and the balance sum of Rs.60,04,081/- was directed to be returned to the petitioners/appellants, apart from jewellery and precious materials. Since, subsequently, there have been further claims from the depositors, the amount to be retained in deposit shall be Rs.14 lakhs instead of Rs.9 lakhs. The depositors, who may approach the respondent concerned, shall be paid, only from the said amount of Rs.14

lakhs. The balance sum of Rs.55,04,081/- shall be returned to the petitioners/appellants within two weeks from the date of receipt of a copy of this order, apart from jewellery and precious materials.

(ii) As far as clause 6 of paragraph No.15 of the judgment is concerned, the learned Chief Judicial Magistrate, Madurai is directed to handover the precious metals, jewellery and stones available under the Court's custody to the 1st petitioner/1st appellant directly.

6. It is also brought to the notice of this Court that the Chief Metropolitan Magistrate, Egmore, has already complied with the order passed by this Court and the same is hereby recorded.

7. The C.M.P. is ordered accordingly. Post the matter for compliance after four weeks.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

TO

1. THE SPECIAL JUDGE,
UNDER TNPID ACT 1997,
CHENNAI-104
2. THE COMPETENT AUTHORITY AND
THE SPECIAL COMMISSIONER AND
COMMISSIONER OF LAND ADMINISTRATION DEPT,
CHEPAUK, NOW BY DISTRICT REVENUE OFFICER,
COLLECTORATE, CHENNAI-600 001
3. THE PRESIDENT G.E.KRISHNAN
THE BHARATHI GEMS AND JEWELS
DEPOSITORS ASSOCIATION, CHENNAI
4. THE COMMISSIONER OF POLICE,
CENTRAL CRIME BRANCH,
CHENNAI,8, NOW BY ADGP EOW II POLICE,
CHENNAI.

+4ccs to Mr.R.LOGANATHAN, Advocate SR.No.38619 (26/08/2021)

DATED : 05/08/2021

ORDER :

CMP No.3743 of 2020
in
CMA No.1323 of 2010

Direction given etc., as
stated within.

MG (CO)
GMY (25/08/2021)