WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.6804 of 2021

P.Durainachimuthu,
S/o, Palanisamy ... Petitioner

Versus

1. State Represented by its
The Inspector of Police,
Economic Offence Wing-II,
Coimbatore.

2. The Competent Authority,
District Revenue Officer,
Coimbatore.

3. Nandhi Group Auto Finance,
having office at D.No.7/46, Main road,
Dasavanaicken Patti, Vellakoil,
Kangeyam Taluk, Tiruppur District.

4. Nadhi Group Shree Bairava Investments,
having office at D.No.7/46, Main road,
Dasavanaicken Patti, Vellakoil,
Kangeyam Taluk, Tiruppur District.

5. Nadhi Group Shree Bairava Auto Finanace,
having office at D.No.7/46, Main road,
Dasavanaicken Patti, Vellakoil,
Kangeyam Taluk,Tiruppur District.

6. Arul Nandhi Auto Finance,
having office at D.No.7/46, Main road,
Dasavanaicken Patti, Vellakoil,
Kangeyam Taluk, Tiruppur District.

7. Athanur Amman Auto Finance,
having office at D.No.7/46, Main road,
Dasavanaicken Patti, Vellakoil,
Kangeyam Taluk, Tiruppur District.

8. Kalaimani, S/o, Palanisamy Gounder

9. Palanisamy Gounder, S/o, Late Muthusamy Gounder

10. Saminathan, S/o, Thangavel

11. Sivasubramani, S/o, Ramasamy Gounder ... Respondents

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

WEB COPY

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Special Judge for TNPID Act, Coimbatore to dispose the case in C.C.No.3 of 2018 as early as possible within the time stipulated.

For Petitioner : Mr.M.Dinesh
For R1 : Mr.E.Raj Thilak
Government Advocate(Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioner seeking direction to direct the Special Judge for TNPID Act, Coimbatore to dispose the case in C.C.No.3 of 2018 as early as possible within the time stipulated.

2. The petitioner submitted that in this case, F.I.R was registered in the year 2015. After investigation, charge sheet has been filed in the year 2017. Thereafter the case was taken on file in the year 2018. In this case, there are totally 24 depositors who lost their money to the tune of Rs.2,37,97,000/-. A1 to A5 are companies & firms and A1 to A5 are the juristic persons. A6, 7, 8 and 9 are the four accused representing A1 to

A5. These accused have been successfully delaying the trial by adopting dilatory tactis and so far succeeded successfully till date.

3.The learned Public Prosecutor submitted that initially the case was registered in Crime No.3 of 2015 for the offences under sections 120(b), 406, 420 of IPC and section 5 of TNPID Act, 1997. Investigation has been initiated and thereafter revealed that among 5 Financial Establishments, A1 Financial Establishment has been stared on 25.06.2008 and A6 to A9 have been partners in either of the firms and they have been successfully generated the funds from depositors. In this case A9 was arrested on 10.08.2017. A6 and A7 surrendered on 11.08.2017 and A8 obtained Anticipatory bail. A6 S.P.Kalaimani filed the writ petition in W.P.No.8327 of 2015 before this Court for giving opportunity to repay the depositors. Thereafter successfully dragged on the case for one year and finally the writ petition was dismissed on 17.06.2016. On 15.09.2017 charge sheet filed in this case and the case was taken on file on 07.03.2018. In this case, A6, A7 and A9 had filed the discharge petition on 05.02.2019 and the same was dismissed on 19.09.2019. A6 and A7 are absenting themselves before the lower court and not participating in the trial.

4. Considering the recitals of the materials on record, it is seen that A6 to A9 in a well planned manner have been successfully dragging on the proceedings and the charges are yet to be framed. The trial court is directed to take

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

WEB COPY

coercive action if it is found that the accused A5 to A9 are deliberately dragging on the proceedings. Further direction is given to frame charges against the accused and proceed with the trial and complete the same within a period of six months from the date of normal functioning of the Court.

5. In view of the same, this Court directs the trial court to complete the trial within the aforesaid period. If the trial court at any point of time finds that the accused are dragging on the proceedings, coercive action be taken including taking the accused in to custody.

6. With the above directions, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mfa

To
1. The Special Judge for TNPID Act, Coimbatore.

2. The Inspector of Police,
Economic Offence Wing-II,
Coimbatore.

3. The Competent Authority,
District Revenue Officer,
Coimbatore.

4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.6804 of 2021

CP(CO)
B.VC(23.07.2021)

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