

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.5268 of 2021

The Pondicherry Non Banking Investors
Protection Association for PNL Nidhi Limited
(Reg.No.60/1997)

Rep.by its President T.Dayal Dina Dayalu
No.35, 100 Feet Road, Ellaipillai Chavadi,
Purucherry-605 05.

.. Petitioner

Vs

The Union Territory of Puducherry,
Rep. By its Superintendent of Police (CID)
Puducherry.

.. Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, praying to give necessary directions to conclude the trial in C.C.No.1 of 2011 in the Court of the Principal Sessions Judge, Puducherry, since the final report was filed as early as on 11.11.2010.

For Petitioner :Mr.R.Prem Narayan

For Respondents:Mr.D.Bharatha Chakravarthi

Public Prosecutor (Puducherry)

ORDER

This petition has been filed seeking for a direction to the Court below to complete the proceedings in C.C.No.1 of 2011 within the time frame fixed by this Court.

2.The petitioner is the Investors Protection Association. According to the petitioner, the accused persons have received deposits from nearly 6424 depositors and several crores of rupees was swindled and they were not repaid back. The further case of the petitioner is that the FIR was registered in the year 2004 and the final report was filed in the year 2011 and the same was also taken cognizance by the Court below and thereafter, there has been absolutely no progress in the trial.

3.Mr.D.Bharatha Chakravarthi, learned Public Prosecutor (Puducherry) appearing on behalf of the respondent police

submitted that there are totally 14 accused persons in this case. He further submitted that the efforts taken by this Court by appointing an Administrator to settle at least a portion of the principal amount failed due to non-co-operation of the accused persons. Learned Public Prosecutor submitted that not a single penny has been settled in this case and the accused persons have successfully dragged on the proceedings for the last 10 years. Learned Public Prosecutor submitted that not even charges have been framed in the present case. Therefore, it was submitted that this Court may issue appropriate directions to the Court below to complete the proceedings within a time frame and ensure that the accused persons co-operate for the completion of the proceedings.

4. This Court has carefully considered the submissions made on either side and the materials available on record.

5. In the present case, there has been no progress in the proceedings before the Court below for the last ten years. It is also brought to the notice of this Court that none of the depositors have been settled ny amount. Left with no other option, the petitioner Association has approached this Court.

6. Taking into consideration the facts and circumstances of the case, there shall be a direction to the Principal Sessions Judge, Puducherry to immediately to take up the case and frame charges against the accused persons and fix the time frame for examination of witnesses. The trial shall be conducted on a day to day basis in accordance with the guidelines issued by the Hon'ble Supreme Court reported in Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]. If the accused persons resort to any dilatory tactics, they shall be directed to be present before the Court and the bail granted in their favour shall be cancelled and the trial court shall act in accordance with the guidelines issued by the Hon'ble Supreme Court in STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191).

7. The Principal Sessions Judge, Puducherry, shall complete the proceedings in C.C.No.1 of 2011 within a period of six months from the date of receipt of a copy of this order.

8. This Criminal original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Sessions Judge,
Puducherry.

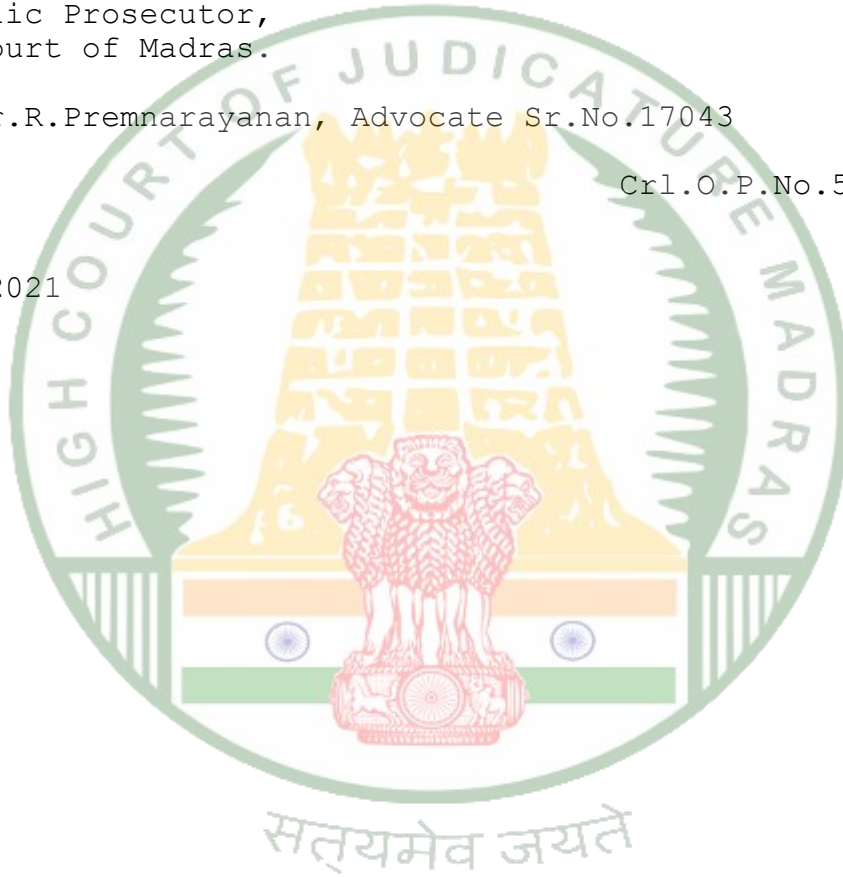
2.The Superintendent of Police (CID),
Union Territory of Puducherry.
Puducherry.

3.The Public Prosecutor,
High Court of Madras.

+lcc to Mr.R.Premnarayanan, Advocate Sr.No.17043

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AAB(CO)
NR 17/04/2021



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