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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15..12..2021

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Criminal Original Petition No.10145 of 2014
and

Criminal Original Petition Nos.6812 and 6813 of 2018

Cr1.O.P.No.10145 of 2014:

T.Arulmony

... Petitioner/Defacto Complainant

-Versus-

The Deputy Superintendent of Police,
Economic Offence Wing-II,
Anna Nagar, Chennai.

... Respondent

Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the respondent to take appropriate steps for attachment of properties mentioned in the petition which also part of the properties acquired by the accused in respect of Crime No.1 of 2010 on the file of the 1st respondent.

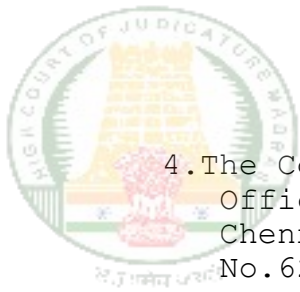
Cr1.O.P.No.6812 of 2018

Victor Emmanuel Doss

... Petitioner

-Versus-

1. State,
Rep. By its Secretary,
Local Administration Department,
Fort St. George, Chennai 600009.
- 2.State Represented by,
Deputy Superintendent of Police,
EOW-II,
Anna Nagar, Chennai 600102.
- 3.The Collector,
Chennai District,
Office of the Chennai Collectorate,
Chennai District, Singaravelan Maligai,
No.62, Rajaji Salai, Chennai 600001.



4.The Competent Authority/District Revenue Officer,
Office of the Chennai Collectorate,
Chennai District, Singaravelan Maligai,
No.62, Rajaji Salai, Chennai 600001.

... Respondent

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Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the 4th Respondent to conduct enquiry and file a detailed valuation report of the properties attached in G.O.Ms.No.530 dated 13.07.2012 issued by the Home (Police XIX) Department before the Hon'ble Special Court TNPID Act, 1997, Chennai and consequentially direct the 4th respondent to comply with the order dated 10.01.2014 passed in O.A.No.9 of 2013 by the Special Court TNPID Act, 1997, Chennai.

CrI.O.P.No.6813 of 2018

Victor Emmanuel Doss

... Petitioner

-Versus-

- 1.State,
Rep. By its Secretary,
Local Administration Department,
Fort St. George, Chennai 600009.
- 2.State Represented by,
Deputy Superintendent of Police,
EOW-II,
Anna Nagar, Chennai 600102.
- 3.The Collector,
Chennai District,
Office of the Chennai Collectorate,
Chennai District, Singaravelan Maligai,
No.62, Rajaji Salai, Chennai 600001.
- 4.The Competent Authority/District Revenue Officer,
Office of the Chennai Collectorate,
Chennai District, Singaravelan Maligai,
No.62, Rajaji Salai, Chennai 600001.

... Respondent

Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the 1st respondent to attach the immovable properties given in schedule to the petition in compliance with provisions of section 3 of the Tamil Nadu Protection of Interest of Depositors (in Financial Establishments) Act 1997.



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For Petitioner

: Mr.R.Subbraj for
petitioner in all Original
Petitions

For Respondent(s)

: Mr.C.E.Pratap,
Government Advocate
(Criminal Side) for
respondent in
Crl.O.P.No.10145 of 2014
and respondents 1 to 4 in
Crl.O.P.Nos.6812 & 6813 of
2018

COMMONORDER

The Criminal Original Petition in Crl.O.P.No.10145 of 2014 has been filed seeking a direction to the respondent to take appropriate steps for attachment of properties belonging to the accused and covered in the case registered in Cr.No.1 of 2010 on the file of the 1st respondent, while original petition in Crl.O.P.No.6812 of 2018 has been filed seeking a direction to the 4th respondent to conduct enquiry and file a detailed valuation report of the properties attached in G.O.Ms.No.530, Home (Police XIX) Department, dated 13.07.2012 and for a consequential direction to the 4th respondent to comply with the order dated 10.01.2014 passed in O.A.No.9 of 2013 by the Special Court, TNPID Act, 1997, Chennai and the original petition in Crl.O.P.No.6813 of 2018 has been filed seeking to attach the immovable properties mentioned in the schedule to the petition in compliance with the provisions of Section 3 of The Tamil Nadu Protection of Interest of Depositors (In Financial Establishment Act, 1997.

2. The above petitions have been filed alleging that the total outstanding of the default company is nearly Rs.39.00 crores, but, none of the properties belonging to the defaulting company has been attached by the respondents till date.

3. Today, when the matter has been taken up for hearing, the investigating officer has filed a status report wherein it has been stated that the respondent has attached nearly twenty items of properties belonging to the defaulting company situated in different places in the State and the total value of the attached properties would be more than Rs.58.13 crores and whereas the actual default amount is only Rs.38.90 crores and therefore, the properties attached would be sufficient to settle the actual default amount.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would, on instructions, submit that, in fact,



orders of attachment in respect of some of the properties have been made absolute.

5. Considering the above, more particularly, the status report, this court is of the view that already properties of the company have been attached and the value of properties so far attached would be more than the defaulted amount, no further adjudication is required to be made in these matters. These Criminal Original Petitions are dismissed accordingly. The petitioner is however given liberty to approach the learned Special Judge, TNPID Court, Chennai for appropriate relief regarding auction of properties already attached.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kmk

To

1. The Secretary, Local Administration Department,
Fort St. George, Chennai 600009.
2. The Deputy Superintendent of Police,
EOW-II, Anna Nagar, Chennai 600102.
3. The Collector, Chennai District,
Office of the Chennai Collectorate,
Chennai District, Singaravelan Maligai, No.62,
Rajaji Salai, Chennai 600001.
4. The Competent Authority/District Revenue Officer,
Office of the Chennai
Collectorate, Chennai District,
Singaravelan Maligai, No.62, Rajaji Salai,
Chennai 600001.
5. The Public Prosecutor
Madras High Court, Chennai.
6. The Special Judge,
TNPID COURT, Chennai.

Crl.O.P.Nos. 10145 of 2014
6812 and 6813 of 2018

NMI (CO)
CT 24/01/2022