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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.No.544 of 2021

1.Sathish Kumar
S/o, Alagesan

2.Sasi Kumar,
S/o Alagesa.

3.Alagesan,
S/o, Kujappa Gounder

...Petitioners

Versus

State Represented by,
The Deputy Superintendent of Police,
Economic Offence Wing,
Coimbatore.

...Respondent

PRAYER : Criminal Revision Petition filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records pertaining to unnumbered Crl.M.P.No.--- of 2021 in C.C.No.3 of 2015 passed by the Special Judge, Special Court under TNPID Act, Coimbatore and setaside the order dated 04.08.2021 by allowing this revision.

For Petitioners : Mr.K.Balasubramaniam

For Respondent : Mr,M.Sugendran
Government Advocate, (Criminal Side)

ORDER

This Criminal Revision Petition has been filed to call for the records pertaining to unnumbered Crl.M.P.No.--- of 2021 in C.C.No.3 of 2015 passed by the Special Judge, Special Court under TNPID Act, Coimbatore and setaside the order dated 04.08.2021, by allowing this revision.

2. The petitioners are the accused in C.C.No.3 of 2015 on the file of the Special Judge, Special Court under TNPID Act,



Coimbatore and during the pendency of the case, all the witnesses were examined except the I.O. At this juncture, the petitioners filed the petition for compounding the offence, before the Special Judge, Special Court under TNPID Act, Coimbatore. The said petition was rejected by the Special Judge stated that it is against the provision of Section 5A of TNPID Act. Challenging the said order, now the petitioners have filed this Revision Petition.

3. The learned counsel for the petitioners would submit that they compensated almost the entire amount and also repaid the amount to the subscribers/depositors and the mediation is also going on for several years and even they ready to pay the entire compensation amount and also debt amount to the depositors. To compound the offence, when the petitioners approached the Special Judge, Special Court Under TNPID Act, the learned Special Judge failed to consider the genuineness of the petitioners and also the settlement of the entire amounts with the depositors, dismissed the petition, which warrants interference.

4. The learned Government (Criminal Side) appearing for the respondent would submit that all the witnesses were examined including the I.O and he also examined in chief and the case is adjourned on 22.09.2021 for the cross examination of I.O. The averments made in the petition filed by the petitioners are against the provision of Section 5A of TNPID Act. Therefore, the learned Magistrate, rightly rejected the petition filed by the petitioners before the Special Court and there is no perversity in the order passed by the learned Special Judge and the revision is liable to be dismissed.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent.

6. Admittedly, the complaint was filed against the petitioners. The first accused is the Company and A2 to A4 are the Directors, who look into the day to day affairs of the company. After investigation, the learned trial judge taken the case on file in C.C.No.3 of 2015, after framing charges and trial almost completed. At this stage, the petitioners had filed the petition for compounding the offence. The learned trial Judge has specifically stated that the petition is against the provision of Section 5A of TNPID Act. Therefore, this Court does not find any perversity in the order passed by the Special Judge, since it is against the provisions of Section 5A of TNPID Act and further no revision is maintainable against any interim order. Therefore, under these circumstances and considering the legal position, this Court is not inclined to



entertain this Revision Petition and the same is liable to be dismissed. Accordingly, the Criminal Revision Case is dismissed.

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Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mfa

To

- 1.The Special Judge,
Special Court under TNPID Act,
Coimbatore.
- 2.The Deputy Superintendent of Police,
Economic Offence Wing,
Coimbatore.
- 3.The Public Prosecutor,
High Court,
Madras.

+1cc to M/s.K.Balasubramaniam, Advocate, S.R.No.46627

CRL.R.C.No.544 of 2021

AJS (CO)
RVM(07/10/2021)