



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.19096 of 2021

and

CrI.M.P.No.10444 of 2021

1. Bhavani Alma emu Farms @,
Alma Emu Farms (A1)

Represented by A3 to A5
17/16, Rajakadu 3rd Street,
Erode.

2. V.Mathumathi (A3)
3. A.P.Satheesh Kumar (A4)
4. S.Viswanathan (A5)

...Petitioners

Versus

1. State represented by,
Inspector of Police,
Economic Offences Wing - II
Erode.

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

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to exercise under Section 5A of TNPID Act and compound the offences in C.C.No.20 of 2012 on the file of the Special Judge, Special Court under Tamil Nadu protection of Interest of Depositor Act, Coimbatore, in pursuant to the Memorandum of Understanding between company and depositors.

For Petitioners : Mr.G.Murugendran.

For Respondents : Mr.A.Damodharan,
Addl. Public Prosecutor.



ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent to exercise under Section 5A of TNPID Act and compound the offences in C.C.No.20 of 2012 on the file of the Special Judge, Special Court under Tamil Nadu protection of Interest of Depositor Act, Coimbatore.

2. The contention of the petitioners is that the first petitioner is a house wife. It is her husband, who was carrying on the entire business. It is admitted fact that a sum of Rs.2,83,37,958/- (Rupees Two Crores Eighty Three lakhs Thirty Seven Thousand Nine Hundred and Fifty Eight only) lying in the bank account of the first petitioner's Company was freezed and taken by the competent authority. Now it is in the hands of the Competent Authority and the said amount can be utilized for settlement to the depositors. For the reasons best known, the competent authority is not taking any steps, despite the first petitioner made representations to the Investigating Officer as well as the Competent Authority. On the other hand, they are showing interest in concluding the trial and convicting the petitioners. The amount seized by the competent authority can be utilized in making payment. So that, the petitioners can avail, Section 5A of the TNPID Act to compound the offences. Further, according to the petitioner, the properties attached are more than the defaulted amount in the case.

3. In view of the same, the 2nd respondent is directed to take appropriate steps to utilize the freezed amount and to pay the depositors proportionately.

4. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

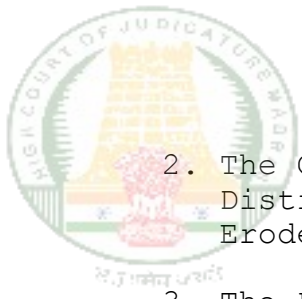
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Sub Assistant Registrar

mrp/mdl

To

1. The Inspector of Police,
Economic Offences Wing - II
Erode.



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

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Murugendran., Advocate, S.R.No.55668

CRL.O.P.No.19096 of 2021
and
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PM[co]
NSK 30/11/2021