

Crl.O.P.No.19696 of 2021
in
Crl.A.SR.No.34165 of 2021

C.V.KARTHIKEYAN, J.,

Heard Mr.K.Srinivasan, learned Special Public Prosecutor on behalf of the appellant.

2.I would rather even without issuing notice to the respondent/A1, grant leave to the appellant to file a regular Criminal Appeal as against judgment dated 20.01.2020 in Crl.A.No.22 of 2014 passed by the learned XVIII Additional Sessions Judge, Chennai.

2.There are two grounds which have influenced the mind of the learned Judge while acquitting the accused namely, the interplay of Section 218 of Cr.P.C., particularly, in view of the fact that there were several instances of monies being collected towards deposit, promising to pay higher rate of interest. These transactions took place across the country and at every place, general complaints were raised. Very specifically, the Bombay High Court has given a direction to the CBI to register a regular case and to investigate further.

3.The learned Judge has, in the order questioned and against which appeal is sought to be filed, brought in Section 218 of Cr.P.C, and had wondered as to how all these transactions could be combined in one Calendar Case and was of the opinion that several other Calendar Cases should have been instituted as against the accused with respect to each one of the transactions.

4.That is an issue which can be agitated during the course of appeal, but cannot prevent the appeal being filed by the prosecution.

5.The second issue which had also weighed on the mind of the learned Judge was concerning the jurisdiction of the Courts in Chennai to take cognizance of the final report and proceed further with trial, particularly, in view of the fact that the Bombay High Court had granted direction to register a First Information Report and investigate.

6.Therefore, since these issues are involved, it would only be appropriate to grant leave and accordingly, leave is granted to the appellant to file an Appeal.

7.The Registry is directed to number the appeal, if it is otherwise in order.

8.It is once again reiterated that this order is passed deeply conscious of the fact that notice is not issued to the respondent and giving liberty to the respondent to raise all these issues during the course of hearing the appeal.

25.10.2021

smv

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