



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Third day of December Two Thousand and
Twenty One
PRESENT

WEB COPY

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.4992 of 2021
IN
CRL A(MD)No.304 of 2021

I.R.J.ILANGO

... PETITIONER/APPELLANT

Vs

1 P.BALASUBRAMANIAN
2 JOTHI
3 V.MUNIYANDI
4 JEYARAM

5 BLESSING AGRO FARM INDIA LIMITED COMPANY,
1K, KAJIYAR COMPLEX, NORTH GATE,
S.S.COLONY MADURAI-10.

6 JOSEPH JEYARAJ
7 CHRISTOPHER
8 PALANISAMY

9 THE DISTRICT REVENUE OFFICER
COLLECTOR OFFICE BUILDING,
NEARBY ANNA BUS STAND, MADURAI -7

10 THE INSPECTOR OF POLICE, EOW
ECONOMIC OFFENCE POLICE STATION,
VISWANATHAPURAM
MADURAI-1

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Stay all further proceedings of the order dated 31.03.2021 in O.S No.2/2020 in C.C.No.2/2019 on the file of the Special Court under TNPID Act Cases, Madurai Pending disposal of the above criminal Appeal.



PRAYER IN CRL A(MD)No.304/2021:

To set-aside the Order dated 31/03/2021 passed in O.S.No.2 of 2020 in C.C.No.2 of 2019 on the file of the Hon'ble Special Court under TNPID Act Cases, Madurai.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.G.PRABHU RAJADURAI, Advocate for the Petitioner and of Mr.A.SARAVANA KUMAR, Advocate for the Respondents No.1 to 4 and Mr.M.JEGADEESH PANDIAN, Advocate for the 7th Respondent and Mr.B.JAMEEL ARASU, Advocate for the 8th Respondent and Mr.K.SANJAY GANDHI, Government Advocate on behalf of the Respondents No.9 & 10, the court made the following order:-

The respondents 1 to 4 are the depositors in the fifth respondent firm. Since the deposited amount was not repaid to the respondents 1 to 4, a case was registered in Crime No.6/2018 and the case was taken on file as CC.No.2/2019 on the file of the Special Court under TNPID Act Cases, Madurai. The respondents 1 to 4 filed a petition under Section 8 of TNPID Act and the petition was taken on file as OS.No.2/2020. The appellant is the fourth respondent in OS.No.2/2020. The petition was filed to attach the property registered in the name of the appellant and the 8th respondent / Palanisamy. The Trial Court allowed the petition and against that order, the appellant has approached this Court.

2. On the side of the petitioner, it is stated that the petitioner is having no objection regarding the attachment of the property, but interim relief not to auction the property is to be granted. It is stated that the property was purchased by the petitioner for valuable consideration and the fifth respondent is having number of properties which are sufficient enough to satisfy the claim of the depositors. The Trial Court failed to consider the same and has passed the impugned order and prayed an interim relief to be granted to the petitioner till the disposal of the Criminal Appeal.

3. On the side of the respondent, it is stated that the petitioner has not come forward with the complete details of the property alleged to have been in the name of the fifth respondent. The alleged sale consideration is Rs.45,00,000/-. The property is with an extent of 2200 sq. ft. The value of the land is approximately Rs.60,00,000/- to Rs.75,00,000/-. The building therein is 4044 sq. ft. The building itself is worth more than Rs.40,00,000/-, but the alleged sale consideration is only Rs.45,00,000/-. This itself reveals that the transaction is a *malafide* transaction. Even if all the attached properties are sold, only 50% of the out standing amount will be satisfied and prayed the petition to be dismissed.



4. It is seen that the Criminal Appeal requires a detailed enquiry. The validity of the transaction cannot be decided in this petition. The matter to be decided in this petition and in the appeal are one and the same and in the above circumstances, no interim order is necessary at this juncture. Hence, without prejudice to the order to be passed in the Criminal Appeal, this petition is dismissed.

sd/-
23/12/2021

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDGE
SPECIAL COURT UNDER TNPID ACT CASES,
MADURAI.

2 THE DISTRICT REVENUE OFFICER
COLLECTOR OFFICE BUILDING,
NEARBY ANNA BUS STAND, MADURAI -7

3 THE INSPECTOR OF POLICE, EOW
ECONOMIC OFFENCE POLICE STATION,
VISWANATHAPURAM
MADURAI-1

+2. C.C. to M/S.A.SARAVANA KUMAR, Advocate SR.No.9784

ORDER

IN

CRL MP(MD) No.4992 of 2021
IN
CRL A(MD)No.304 of 2021
Date :23/12/2021

SA/JM/SAR.1/04.01.2022/3P/6C