



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2021

CORAM

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**

Crl.O.P(MD)No.10029 of 2021

1.M.K.S.Suresh Kumar
2.M.L.Lavanya
3.M.S.G.N.Vijaya Lekshmi ... Petitioners / Depositors

Vs.

1.The State Represented by
The Deputy Superintendent of Police,
Economic Offence Wing,
(Financial Institution),
Madurai.
2.The District Revenue Officer(Cum),
Competent Authority,
Madurai,
Madurai District. ... Respondents / Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondents to examine the petitioners as witness in C.C.No.36 of 2008 pending on the file of Special Court of TNPID ACT, Madurai.

For Petitioners : Mr.V.M.Balamohan Thambi
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents to examine the petitioners as witness in C.C.No.36 of 2008 pending on the file of Special Court of TNPID ACT, Madurai.

2.The case of the petitioners that the petitioners are victim depositors of K.L.Krishnamoorthy, K.R.Sudharsan Small saving Santha Chit, which was run by One K.L.Krishnamoorthy and his family members. They collected several crores of deposits from the public and invested in many immovable and movable properties. The financial establishment committed default and the default liability exceed 14 crores. The respondent has registered a case in Cr.No.12 of 1999, subsequently transferred to Madurai Special Court and Crime number is renumbered as C.C.No.36 of 2008 for the offence punishable under Sections 420, 406, 120(b) of IPC and Section 5 of TNPID Act.

3.In W.P.No.10231 of 2005 dated 24.02.2006, the second respondent was directed to auction the properties and settle the victim depositors. As per the direction of this Court the second



respondent herein sold only 6 item of property and settled the 280 depositors. The second respondent colluded with the accused and not taken any steps to implement the order passed in the above writ petition.

4.The respondents herein have examined the 280 settled depositors and other witness, who are supporting the case of the accused. The petitioners who are also victims, they have not been examined by the respondent police. Hence, the present petition is filed.

5.Heard both sides.

6.The limited request that has been made in this petition is that the petitioners must be examined as witnesses in C.C.No.36 of 2008 pending on the file of Special Court of TNPID Act, Madurai. The respondents have not explained any reason for not examining the petitioners at the time of trial.

7.The learned Additional Public Prosecutor submitted that the respondents are ready to examine the petitioners as witnesses before the trial Court.

8.Recording, the undertaking given by the learned Additional Public Prosecutor, this petition is allowed with a direction to the second respondent herein to take steps to examine these petitioners before the concerned Court.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note:(i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Deputy Superintendent of Police,
Economic Offence Wing,
(Financial Institution),
Madurai.



2.The District Revenue Officer(Cum),
Competent Authority,
Madurai,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to MR.V.M.BALAMOHAN THAMPI, Advocate (SR-25087[F] dated
03/08/2021)

Crl.O.P(MD)No.10029 of 2021
02.08.2021

MGJ(10.08.2021) 3P 5C