



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 26.11.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD)No.495 of 2021

1.Y.S.B.Jose

2.Vasantha Jose @ Vasanthakumari

.. Appellants/Petitioners/Accused Nos 2 & 3

Vs.

1.The Competent Authority,
District Revenue Officer,
Nagercoil, Kanyakumari District.

2.State Rep. By,
The Deputy Superintendent of Police,
Economics Offence Wing-II,
Nagercoil,
Kanyakumari District.
Crime No.6 of 2005

.. Respondents/Respondents/Complainants

Prayer : This Criminal Appeal is filed under Section 11 of TNPID Act, to call for the records and to set aside the order dated 06.10.2021 passed in Crl.M.P.No.1757 of 2021 in C.C.No.57 of 2008 on the file of learned Special Judge under TNPID Act, Madurai.

For Appellant	: Mr.S.Veeranasamy
For Respondents 1 and 2	: Mr.K.Sanjay Gandhi
	Government Advocate

JUDGMENT

This appeal has been filed to set aside the order in Crl.M.P.No.1757 of 2021, in C.C.No.57 of 2008 dated 06.10.2021, on the file of the learned Special Judge under TNPID Act, Madurai.

2.The appellants have filed a petition seeking permission to compound the offence under Section 5(A) of TNPID Act. The petition was dismissed. Against which, the appellants have preferred this Criminal Appeal.

3.On the side of the appellants, it is stated that out of 261 depositors, the appellants settled the deposited amount for 200 depositors and paid a sum of Rs.1,95,00,000/-. The appellants filed a petition under Section 5(A) of TNPID Act seeking permission to



compound the offence and the petition was dismissed by the trial Court and prayed the impugned order to be set aside.

4. On the side of the respondents, it is stated that there were four accused. The first accused is the company namely, Jeevan Finance in Anju Gramam, Kanyakumari District. The appellants are husband and wife. They canvassed the complainant to deposit amount in the financial establishment and promised to give them 25% interest. 261 depositors deposited various amounts on various dates. The total amount is Rs.2,75,91,911/-. The appellants cheated the depositors and a case was registered against the appellants in Crime No.2 of 2005 and the same was taken on file as C.C.No.59 of 2008 on the file of the Special Court. The petitioners have already filed two such petitions, one in Cr.M.P.No.705 of 2011 and later not pressed the petition. Again the petitioners filed a petition in Cr.M.P.No.2384 of 2011 and that petition was also not pressed and was dismissed on 21.10.2011. After a lapse of 10 years, the petitioners have come forward with a similar petition again. Only with the motive to drag on the case and to gain time, the petitioners have come forward with this petition and prayed the petition to be dismissed.

5. It is seen that the total amount of default is Rs.3,62,43,590/-. The trial Court has made an observation that no amount was settled to the depositors and the amount was deposited in the Court. It is seen that the petitioners had deposited the principal amount and not the interest up to the date of filing of the chargesheet. The case was registered in the year 2005 and was taken on file in the year 2008. Already 15 years lapsed, the petitioners have filed two similar petitions and later not pressed those petitions which clearly reveals that the intention of the petitioner is only to gain time and not to settle the issue. The petitioners have not come forward to settle the amount due for 61 depositors before the Court. Even after a lapse of 15 years, the petitioners are seeking time only for compounding the case. Hence, the reasons stated are not satisfactory and the petition is devoid of merits.

6. In the above circumstances, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Mrn

<https://hcservices.ecourts.gov.in/hcservices/>



To

- 1.The Special Judge under TNPID Act,
Madurai.
- 2.The Competent Authority,
District Revenue Officer,
Nagercoil, Kanyakumari District.
- 3.The Deputy Superintendent of Police,
Economics Offence Wing-II,
Nagercoil,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Section Officer, Criminal Section, (2C)
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.S.VEERANASAMY, Advocate (SR-36405[F] dated
29/11/2021)

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SMV(CO)
KB(08.12.2021) 3P 8C