



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.20672 of 2021

Franklin

... Petitioner/Accused No.4

Vs.

State rep. by
The Inspector of Police,
EOW-II,
Dindigul District.
(In Crime No.2 of 2012)

... Respondent/Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the order in Crl.M.P.No.2065 of 2021 in C.C.No.35 of 2013 dated 22.11.2021 passed by the learned Special Court under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997, Madurai and set aside the same as illegal .

For Petitioner	:	Mr.M.Maran
For Respondent	:	Mr.E.Antony Sahaya Prabahar, Addl. Public Prosecutor.

O R D E R

Heard the learned counsel on either side.

2.The petitioner is an accused in C.C.No.35 of 2013 on the file the Special Court under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997, Madurai. The petitioner filed a petition for recall. The same was dismissed by the Court below. Questioning the same, this criminal original petition has been filed.

3.I am more than satisfied that the learned Trial Judge has adopted a correct approach in dismissing the recall petition. However, taking into account the overall facts and circumstances, I am of the view that the imposition of costs is not warranted. The petition itself came to be filed only on 08.10.2021 and it met its Waterloo on 22.11.2021. Therefore, the petitioner cannot be said to have dragged on the proceedings. Hence, the imposition of



costs of Rs.10,000/- is set aside. The order impugned in this criminal original petition is confirmed in all other aspects.

4.This criminal original petition is disposed of accordingly.

WEB COPY

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :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 Judge, Special Court under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, Madurai.
- 2.The Inspector of Police,
EOW-II,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Cr1.O.P(MD)No.20672 of 2021
23.12.2021

KMV(CO)
SB(11.01.2022) 2P 4C