



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.1037 of 2022
and
Crl.M.P.No.392 of 2022

M.Muniyan @ Pandiyan @ Murugavel

... Petitioner

Versus

1.State represented by
Inspector of Police
Economic Offences Wing II, Erode

2.The Competent Authority
District Revenue Officer
Erode.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to exercise under Section 5A of TNPID Act and compound the offences in C.C.No.7 of 2013 on the file of the Special Judge, Special Court under Tamil Nadu Protection of Interest of Depositor Act, Coimbatore.

For Petitioner : Mr.G.Murugendran

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the second respondent to exercise his power under Section 5A of TNPID Act and compound the offences in C.C.No.7 of 2013 on the file of the Special Judge, Special Court under Tamil Nadu Protection of Interest of Depositor Act, Coimbatore.



2. The case of the prosecution is that a Poultry Farm was established and the petitioner and other accused received deposits in various schemes, but failed to return the same. Hence, a case in C.C.No.7 of 2013 was registered for the offence under Sections 120(B), 420 IPC and Section 5 of the TNPID Act, where in the petitioner was arrayed as A3.

3. The learned counsel for the petitioner submitted that the allegation against the petitioner and the other accused is that they had defaulted a sum of Rs.2,14,13,080/- to 231 depositors. Out of which, Rs.40 lakhs were already settled to 22 depositors and still Rs.1,74,13,080/- has to be settled. He further submitted that a huge amount was left in the bank account of A1's Company, which has been attached and also substantial property had also been attached. Hence, the petition filed under Section 5A of the TNPID Act, before the trial Court may be allowed and the offence may be compounded in C.C.No.7 of 2013.

4. The learned Additional Public Prosecutor submits that the petitioner's contention cannot be countenanced at this stage for the reason that in this case of all the witnesses had already been examined and the case is posted today for judgment. The petitioner's contention will be decided by the trial Court with regard to the attachment of property and disposal of the same.

5. Recording the same, this Criminal Original Petition is closed. Consequently, connected Miscellaneous Petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1.The Special Judge, Special Court
Under Tamil Nadu Protection of
Interest of Depositor Act,
Coimbatore.

2.The Inspector of Police,
Economic Offences Wing II,
Erode.



4. The Public Prosecutor,
High Court, Madras.

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srg 10/02/2022
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