



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2022

CORAM:

THE HON'BLE MR. JUSTICE M.GOVINDARAJ

W.P.No.11539 of 2011
and
M.P.Nos.2 and 3 of 2011

Haja Najumdeen Sulaiman ... Petitioner
Vs.

1.State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Public (S-C)
Fort St. George,
Chennai - 9.

2.Union of India,
Rep. by its Secretary to Government,
Ministry of Finance,
Department of Revenue (Cofeposa Unit),
Central Economic Intelligence Bureau,
Sanpam Bhavan, "B" Wing, 6th Floor,
Janpathu, New Delhi.

3.The Superintendent of Police,
Tanjore District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the entire records pertaining to the G.O.SR I/569-2/dated 14.10.2009 passed by the 1st respondent and quash the same.

For Petitioner : Mr.R.Sankarasubbu

For Respondents: Mr.T.Venkatesh Kumar,
Special Government Pleader
assisted by
Mr.M.Rajendiran,
Additional Government Pleader
for R1 & R3
Mr.V.Sundareswaran,
Senior Panel Counsel for R2.



O R D E R

This writ petition has been filed for issuance of a Writ of Certiorari calling for the entire records pertaining to the G.O.SR I/569-2/dated 14.10.2009 passed by the 1st respondent and quash the same.

2. The learned counsel appearing for the petitioner submits that the prosecution initiated against the petitioner was dropped on the basis of the petition in Crl.M.P.No.3809 of 2015 on the file of the learned Additional Chief Metropolitan Magistrate, EO-1, Chennai.

3. The Senior Intelligence Officer, Directorate of Revenue Intelligence, Chennai also filed a petition in RR.No.23 of 2009 for closure of prosecution. Accordingly, the prosecution initiated against the petitioner was closed. Therefore, he would contend that now nothing survives for adjudication to initiate COFEPOSA proceedings against the petitioner. He would also submit that the prosecution was dropped on account of revised instructions with regard to pecuniary jurisdiction for initiating transaction above Rs.20,00,000/-. The transaction in the case of the petitioner was initiated for Rs.7,00,000/-, which is below Rs.20,00,000/-, hence, the prosecution was dropped.

4. Recording the submissions of the learned counsel for the petitioner and in the light of petition for closure filed by Senior Intelligence Officer of the Directorate of Revenue Intelligence, Chennai, the impugned order for initiating proceedings against the petitioner to detain him has become obsolete and accordingly set aside.

5. In view of the same, this writ petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



dsa
To

- 1.The Secretary to Government,
State of Tamil Nadu,
Department of Public (S-C)
Fort St. George,
Chennai - 9.
 - 2.The Secretary to Government,
Union of India, Ministry of Finance,
Department of Revenue (Cofeposa Unit),
Central Economic Intelligence Bureau,
Sanpam Bhavan, "B" Wing, 6th Floor,
Janpathu, New Delhi.
 - 3.The Superintendent of Police,
Tanjore District.
- +1cc to Mr.V.Sundareswaran, Advocate Sr.17661

W.P.No.11539 of 2011

pm[co]
srg 31/03/2022