



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.R.C.NO.176 OF 2022

P.Devaraj

... Petitioner

Versus

State rep. by Deputy Superintendent of Police,
Economic Offence Wing II Unit,
Namakkal District.

... Respondent

Prayer: Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, to set aside the order made in Cr.M.P.No.2257 of 2021, dated 01.12.2021 in C.C.No.27 of 2012 on the file of the Special Judge, Special Court under Tamil Nadu Protection of Interest of Depositors Act, Coimbatore.

For Petitioner : Mr.G.Murugendran

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

O R D E R

The Revision is filed aggrieved by the order of the learned Special Judge under the Tamil Nadu Protection of Interest of Depositors Act, 1997 in Crl.M.P.No.2257 of 2021 in C.C.No.27 of 2012, whereby, the learned Special Judge had refused the prayer of the accused and issue summons to the General Manager, Sree Kumaran Thangamaligai, Namakkal, as a defence witness. The purpose pleaded in the application is that in the second charge-sheet filed, the gold coins given to the victims have been valued and credit has been given to the said amount. According to the accused, he is contending that similar credit has to be given in respect of the first charge-sheet also.



2. It is seen from the order that since the Calendar Case is of the year 2012 and the petitioner/accused is filing one application after the other and dragging on the matter, the Trial Court has refused the application. Before this Court, the learned Counsel for the petitioner would undertake that this is the one and last witness who is sought to be examined on behalf of this accused as well as the other accused. There will be no further application which will be filed and that they will examine the witness on the same day without any further delay and not examining him would be a problem for them to argue without the value of the coins.

3. Considering the submissions made on behalf of the petitioner, even though no exception can be taken for the reasons mentioned in the Trial Court so as to give one opportunity to the petitioner, this Revision Case is ordered on the following terms:-

(i) The order of the learned Special Judge, Coimbatore in Cr1.M.P.No.2257 of 2021 in C.C.No.27 of 2012 is set aside. The prayer of the petitioner to issue summons to the General Manager, Sree Kumaran Thangamaligai, Namakkal stands allowed;

(ii) The learned Special Judge under the Tamil Nadu Protection of Interest of Depositors Act, 1997 is requested to issue summons to the said witness and upon being service of the same, the petitioner shall examine the witness on the same day and the cross-examination shall also be done on the same day.

(iii) As undertaken by the learned Counsel for the petitioner, they will co-operate with the progress of the case without filing any further petition or praying for examining of any further witness whatsoever and considering that the Trial Court itself is eager to dispose off the ten year old case, they will co-operate with the Trial being taken up on the day to day basis and complete the case at the earliest.

(iv) Consequently, Cr1.M.P.No.1684 of 2022 is closed.

4. The Criminal Revision Case is ordered on the above terms.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

grs



To

1. The Special Judge,
Special Court under Tamil Nadu Protection of Interest,
Depositors Act,
Coimbatore.

2. The Deputy Superintendent of Police,
Economic offence Wing II Unit,
Namakkal District.

3. The Public Prosecutor,
High Court of Madras.

+1cc to M/s.G.Murugendran, Advocate, S.R.No.38905

Cr1.R.C.No.176 of 2022

NRL(CO)
RLP(08/07/2022)