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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.4977 of 2019

and

Crl.M.P.Nos.3692 & 2908 of 2019

Jagadeeswaran

... Petitioner/Respondent/Accused 7

Vs.

State Rep by
The Deputy Superintendent of Police,
Economic Offences Wing - II Unit,
Coimbatore.
(Crime No.3 of 2018)

... Respondent/Petitioner/Complainant

PRAYER: Criminal Original Petition had been filed under Section 482 of Cr.P.C, prayed to call for the records and set aside the Order dated 14.11.2018 passed by the learned Special Judge, Special Court under TNPID Cases, Coimbatore in CMP.No.1449 of 2018 by granting bail to the Petitioner.

For Petitioner: Mr.A.M.Amutha Ganesh

For Respondent: Mr.S.Vinothkumar

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition had been filed to set aside the order passed by the learned Special Judge, Special Court under TNPID Cases, Coimbatore in CMP.No.1449 of 2018 dated 14.11.2018.

2. When the case came up for hearing on 01.04.2022, the learned Counsel for the Petitioner sought time to argue the case by utilising the service of his Senior Counsel.

3. At the time, this Court posed a query to the learned Government Advocate (Crl. Side). On query, the learned Government Advocate (Crl. Side) submitted that the case is borne out of which earlier bail was granted. The bail was cancelled by the learned Judicial Magistrate for violation of condition. Based on the Order of the learned Judicial Magistrate, this



Criminal Original Petition had been filed seeking to set aside the cancellation of bail.

4. The learned Counsel on record for the Petitioner submitted that as per the condition in the earlier Order, the Petitioner ought to have deposited a sum of Rs.25,00,000/- before the Revenue Divisional Officer, Coimbatore/Competent Authority, on or before 11.03.2019.

5. In the light of the submission of the learned Counsel for the Petitioner, Registry is directed to call for remarks from the learned Special Judge under Tamil Nadu Protection of Interests of Depositors (in Financial Establishment) cases, Coimbatore regarding the stage in C.C.No.8 of 2019 (Cr. No.3 of 2018 of E.O.W-II, Coimbatore).

6. Today, the learned Special Judge under Tamil Nadu Protection of Interests of Depositors (in Financial Establishment) cases, Coimbatore offered his remarks.

7. As per the remarks offered by the learned Special Judge under Tamil Nadu Protection of Interests of Depositors (in Financial Establishment) cases, Coimbatore, the Petitioner herein viz., Jagadeeswaran is arrayed as A-7, had deposited Rs.5,00,000/- on 29.01.2019; Rs.5,00,000/- on 08.03.2019; Rs.1,50,000/- on 02.04.2018; Rs.5,00,000/- on 26.04.2019; Rs.4,70,000/- on 26.04.2019; Rs.2,33,000/- on 04.06.2019 and Rs.1,47,000/- on 06.06.2019 in total Rs.25,00,000/- before the Competent Authority/D.R.O, Coimbatore.

8. The case was taken on file as C.C.No.08 of 2019 on 30.12.2019, the Petitioner herein/A-7 surrendered before this Court on 31.01.2020 and his surrender was accepted and NBW was recalled and the copies were furnished on 04.01.2021. The charges were framed on 16.04.2021 and posted for trial on 19.04.2021. Till date, P.W-1 to P.W-5 had been examined and Ex.P-1 to Ex.P-24 were marked. This Court had passed the order on 24.01.2022 in CrI.O.P.No.717 of 2022 filed by the depositors. The relevant portion of the said order reads as follows:

"7. In view of the same, this Court appreciates the act of the Special Court under TNPID Act, Coimbatore for taking all earnest effort to complete the trial without any delay. The trial Court is directed to complete the trial without any further delay, if the Accused are adopting any dilatory tactics, it is for the trial Court to



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follow the Hon'ble Apex Court order and take appropriate action against them. The trial Court is also directed to give top priority and post the case on a day basis without any delay after the normal functioning of the Court".

9. In continuation of the Order passed by this Court in CrI.O.P.No.717 of 2022 dated 24.01.2022, the learned Special Judge under Tamil Nadu Protection of Interests of Depositors (in Financial Establishment) cases, Coimbatore was directed to give top priority for disposal of the case on the day to day basis without any delay.

In the light of the above, when the case before the trial Court is pending part heard stage, after examining the five witnesses on the side of the Prosecution and marking the documents, nothing survives in this Petition. Hence, this Criminal Original Petition is dismissed with the same direction to the learned Special Judge under Tamil Nadu Protection of Interests of Depositors (in Financial Establishment) cases, Coimbatore to dispose of the case within a reasonable period of six months from the date of receipt of a copy of this order or from the date of uploading this order in the website of this Court. If the Petitioner herein/A-7 absconds, the learned Special Judge is directed to issue Warrant and on execution of Warrant, the Accused shall be remanded and confined in Prison till the trial is concluded in delivering Judgment. The same is applicable to the other Accused also. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

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To.

1. The Special Judge,
Special Court under
TNPID (in Financial Establishment) Cases,
Coimbatore.
2. The Deputy Superintendent of Police,
Economic Offences Wing - II Unit,
Coimbatore.
3. The Public Prosecutor,
High Court, Chennai.

CrI.O.P.No.4977 of 2019

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