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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2022

CORAM

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL.O.P.NO.6783 OF 2022

Saravankumar

.. Petitioner

Vs.

The Central Bureau of Investigation,
Economic Offence Wing,
Chennai.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Special Court, TNPID Coimbatore to number the petitioner's application filed under Section 173(8) of Cr.P.C., dated 30.11.2021 in C.C.No.9/2011 dispose the same on merits within a time stipulated by the Court or any other direction deem to be fit and proper and circumstances of this case.

For Petitioner : Mr.A.Muthukumar

For Respondent : Mr.K.Srinivasan,
Special Public Prosecutor
for CBI Cases

O R D E R

This petition is filed seeking a direction to the learned Special Court, TNPID Coimbatore to number the petitioner's application filed under Section 173(8) of Cr.P.C, dated 30.11.2021 in C.C.No.9/2011 and dispose of the same within a time stipulated by this Court.

2. It is the submission of the learned counsel for the petitioner that petitioner invested a sum of Rs.7,50,000/- in the accused company namely Pazee Forex Trading Private Limited. The six cheques issued by the accused company were returned dishonoured. They had produced all the relevant materials before the investigating officer. However, no proper



investigation was conducted on his claim and he was not shown as a witness in the case. Therefore, he filed petition for further investigation under Section 173(8) of Cr.P.C. This petition was returned stating that the petition is not maintainable under Section 173(8) of Cr.P.C., especially when the case is pending for defence evidence. Therefore, the present petition.

3. Learned Special Public Prosecutor appearing for the respondent submitted that the trial process is over and the submission of prosecution was heard. The case is now pending for defence evidence that is for defence argument. The case was taken cognizance in C.C.No.9/2011 in the year 2011. The petition filed at this distant point of time, under Section 173 (8) Cr.P.C., is not maintainable.

4. Considered the rival submission and perused the records.

5. Petitioner had produced copies of the cheques dated 28.09.2009, 03.10.2009, 15.10.2009, 17.10.2009, 28.10.2009 and 24.02.2010. It is submitted that the cheques issued by Pazee Forex Trading India Pvt. Ltd., had been dishonoured. May be that petitioner had invested Rs.7,50,000/- in Pazee Forex Trading India Pvt. Ltd., and the cheques issued by the said company had been dishonoured. The fact remains that the case has been taken cognizance in C.C.No.9/2011 in the year 2011. We are in 2022. The trial process is over, the arguments of prosecution had been advanced and the case is now pending for defence evidence. This Court finds substance in the contention of the learned Special Public Prosecutor that petition filed under Section 173(8) of Cr.P.C., at this distant point of time for further investigation cannot be maintained.

6. Concurring with the view of the learned Special Public Prosecutor, this Court finds that the prayer for numbering the petition filed under Section 173(8) Cr.P.C., and direction for its disposal cannot be entertained. This petition is dismissed. However, the petitioner is given liberty to prove his claim before the competent authority for claiming the amount, in the manner known to law.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

AT



To

1. The Judge,
The Special Court,
TNPID Coimbatore.
2. The Central Bureau of Investigation,
Economic Offence Wing,
Chennai.
3. The Special Public Prosecutor (CBI),
High Court, Madras.

+1cc to M/s.A.Muthukumar, Advocate, S.R.No.21440

Cr1.O.P.No.6783 of 2022

SKM(CO)
RLP(12/04/2022)