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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.Nos. 11280, 11281, 11282, 11283,
11284, 11285 and 11287 of 2022
and

Crl.M.P.Nos.6536, 6537, 6538, 6539, 6540, 6541 and 6543 of
2022

1. Sri Venkatesa Perumal Finance Corporation
Rep by. R.Sundaram,
Proprietor,
207 SVFC Complex, 1st Floor,
100 feet Road, Tatabad,
Coimbatore.
2. R.Sundaram,
S/o.Raju Naidu,
...Petitioners in Crl.O.P.No.11280 of 2022

1. Jai Maata De Finance and Investments
Rep by. R.Sundaram,
Proprietor,
207 SVFC Complex, 1st Floor,
100 feet Road, Tatabad,
Coimbatore.
2. R.Sundaram,
S/o.Raju Naidu,
...Petitioners in Crl.O.P.No.11281 of 2022

1. R.Sundaram HUF Account
Rep by. R.Sundaram,
Proprietor,
207 SVFC Complex, 1st Floor,
100 feet Road, Tatabad,
Coimbatore.
2. R.Sundaram,
S/o.Raju Naidu,
- 3.S.Kayalvizhi,
W/o.R.Sundaram,
...Petitioners in Crl.O.P.No.11282 of 2022



1. SVFC Group of Companies
Rep by. R.Sundaram,
Proprietor,
207 SVFC Complex, 1st Floor,
100 feet Road, Tatabad,
Coimbatore.

2. R.Sundaram,
S/o.Raju Naidu,

3. S.Kayalvizhi,
W/o.R.Sundaram,

...Petitioners in Cr1.O.P.No.11283 of 2022

1. Sri Vasuthara Textiles
Rep by. R.Sundaram,
Proprietor,
207 SVFC Complex, 1st Floor,
100 feet Road, Tatabad,
Coimbatore.

2. R.Sundaram,
S/o.Raju Naidu,

3. S.Kayalvizhi,
W/o.R.Sundaram,

...Petitioners in Cr1.O.P.No.11284 of 2022

1. SVFC Agencies,
Rep by. R.Sundaram,
Proprietor,
207 SVFC Complex, 1st Floor,
100 feet Road, Tatabad,
Coimbatore.

2. R.Sundaram,
S/o.Raju Naidu

3. S.Kayalvizhi,
W/o.R.Sundaram,

...Petitioners in Cr1.O.P.No.11285 of 2022

1. SVFC Communications
Rep by. R.Sundaram,
Proprietor,
207 SVFC Complex, 1st Floor,
100 feet Road, Tatabad, Coimbatore.

2. R.Sundaram,
S/o.Raju Naidu

3. S.Kayalvizhi,
W/o.R.Sundaram,



Vs.

The Deputy Superintendent of Police,
Economic Offences Wing II,
Police Commissioner Office,
Coimbatore - 641 018.

... Respondent in all Crl.O.P's

Prayer in Crl.O.P.No.11280 of 2022 :- Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order dated 10.05.2022 made in Crl.M.P.No.613 of 2022 in C.C.No.81 of 2008 on the file of Learned Special Sessions Court for trial of cases under the TNPID Act, Coimbatore by allowing this Criminal Original Petition.

Prayer in Crl.O.P.No.11281 of 2022 :- Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order dated 10.05.2022 made in Crl.M.P.No.614 of 2022 in C.C.No.82 of 2008 on the file of Learned Special Sessions Court for trial of cases under the TNPID Act, Coimbatore by allowing this Criminal Original Petition.

Prayer in Crl.O.P.No.11282 of 2022 :- Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order dated 10.05.2022 made in Crl.M.P.No.615 of 2022 in C.C.No.84 of 2008 on the file of Learned Special Sessions Court for trial of cases under the TNPID Act, Coimbatore by allowing this Criminal Original Petition.

Prayer in Crl.O.P.No.11283 of 2022 :- Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order dated 10.05.2022 made in Crl.M.P.No.611 of 2022 in C.C.No.87 of 2008 on the file of Learned Special Sessions Court for trial of cases under the TNPID Act, Coimbatore by allowing this Criminal Original Petition.

Prayer in Crl.O.P.No.11284 of 2022 :- Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order dated 10.05.2022 made in Crl.M.P.No.612 of 2022 in C.C.No.100 of 2008 on the file of Learned Special Sessions Court for trial of cases under the TNPID Act, Coimbatore by allowing this Criminal Original Petition.

Prayer in Crl.O.P.No.11285 of 2022: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order dated 10.05.2022 made in Crl.M.P.No.610 of 2022 in C.C.No.86 of 2008 on the file of Learned Special Sessions Court for trial of cases under the TNPID Act, Coimbatore by allowing this Criminal Original Petition and thus render justice.

Prayer in Crl.O.P.No.11287 of 2022: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order dated 10.05.2022 made in Crl.M.P.No.616 of 2022 in



C.C.No.85 of 2008 on the file of Learned Special Sessions Court for trial of cases under the TNPID Act, Coimbatore by allowing this Criminal Original Petition and thus render justice.

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For Petitioners in all

Crl.O.P's : Mr.N.Manoharan

For Respondent in all

Crl.O.P's : Mr.A.Gokulkrishnan
Additional Public Prosecutor

C O M M O N O R D E R

These petitions have been filed challenging the order dated 10.05.2022 made in Crl.M.P.Nos.611 to 615 of 2022 in C.C.Nos.81, 82, 84, 85, 86, 87 and 100 of 2008 passed by the learned Special Sessions Judge for trial of cases under the TNPID Act, Coimbatore by dismissing the application filed under Section 309 of Cr.P.C seeking adjournment so as to enable the petitioners to compound the offence.

2. The case of the petitioners are that they have filed W.P.No.5512 of 2022 before this Court seeking directions to permit the second petitioner to arrange buyers to sit and negotiate with the District Revenue Officer and others for sale of properties under attachment in G.O.Ms.No.1156 dated 01.12.2006 and G.O.Ms.No.5 dated 02.01.2008 and the same is pending. Further the petitioners have filed CMA.No.424 of 2022 before this Court against the order in O.A.No.13 of 2009 and the same is pending. The 2nd petitioner had received communication that the Competent Authority namely the District Revenue Officer is taking steps for fresh fixation of the sale price of the properties in SF.No.501/1B, 502/1B, 513/1, 501/2, 501/3B, 513/2, 504, 502/3, 499/1 and 514/4. It is further averred in the petition that there are properties more than the amount alleged to be settled to the depositors and that they are taking effective steps in all possible means to settle the depositors. Meanwhile, if the petitioners are questioned and the case is posted for defense, the steps taken by them to settle the depositors shall go waste. Hence they filed an application under Section 309 of Cr.P.C whereby the lower Court dismissed the petition. Aggrieved by the same the petitioners are before this Court.

3. Heard both sides.

4. The learned counsel appearing for the petitioners submitted that out of 2469 depositors, approximately the petitioners have settled 268 depositors for a sum of Rs.2.13 crores and in respect of settlement of the remaining depositors it is contented that one of the crime property was auctioned under the SARFAESI proceedings after realising the



loan payable of Rs. 3.00 crores to the bank the remaining Rs.2.30 crores is deposited before the trial Court. That apart other properties are also under the attachment. Already W.P.No.5512 of 2022 has been filed directing the respondents to permit the second petitioner to arrange buyers to sit and negotiate for sale of properties under attachment in G.O.Ms.No.1156 dated 01.12.2006 and G.O.Ms.No.5 dated 02.01.2008 passed by the first respondent. In the meanwhile, the petitioners have also filed CMA Nos.454, 1334 and 1606 of 2013 challenging the attachment. Though CMA has been filed their main focus would be only to settle the amount by making attempt to identify the proper buyers along with the competent authority. It is the contention of the petitioners that all the writ petitions and CMAs are ordered to be clubbed together by a learned Single Judge vide order dated 29.03.2022 and pursuant to the above order, the matter is pending before the Hon'ble Chief Justice for getting appropriate orders. Hence it is contented that once writ petitions and CMAs are disposed of by this Court and the permission as sought for by the petitioners are allowed, the petitioners are in a position to settle the entire amount and the matter can be compounded as per the Section 5A of the TNPID Act. Hence the learned counsel for the petitioners submitted that now the matter has been posted for final stage of arguments and if the matter is disposed of immediately it will hamper the entire settlement process, therefore requested two months time for getting appropriate orders from the Court.

5. Taking note of the fact that the offence under TNPID Act as pointed out can be compounded under Section 5 A of the Act even after the institution of the proceedings by the competent authority with the permission of the Special Court, this Court taking note of the object of the Act, which is mainly to recover the amount and to repay the same to the depositors, is of the view that the trial Court can wait for another one month from the date of receipt of a copy of the order for disposing them. In the meanwhile, the petitioners shall take steps to expedite the hearing of the writ petitions and CMAs before the concerned Bench of this Court.

6. With the above direction, Criminal Original Petitions are disposed of. No costs. Consequently connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

dpq



To

1.The Special Sessions Court,
Coimbatore.

2.The Deputy Superintendent of Police,
Economic Offences Wing II,
Police Commissioner Office,
Coimbatore - 641 018.

3.The Public Prosecutor,
High Court of Madras, Chennai.

+7ccs to Mr.N.Manoharan, Advocate SR. Nos.33305, 33306, 33307,
33308, 33309, 33310, 33311

Crl.O.P.Nos. 11280, 11281, 11282, 11283,
11284, 11285 and 11287 of 2022

and

Crl.M.P.Nos.6536, 6537, 6538, 6539,
6540, 6541 and 6543 of 2022

SKM (CO)
PR (01/07/2022)