



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.R.C.NO.716 OF 2022

R.Chandrasekar

... Petitioner/Petitioner/
Accused No.2

Versus

The State Rep. by
The Inspector of Police,
Economic Offences Wing-II,
Guindy, Chennai - 600 032.

... Respondent/Respondent/
Complainant

PRAYER:-

Criminal Revision Case filed under Section 397 read with 401 Code of Criminal Procedure, to call for the entire records pertaining to the order of dismissal dated 24.03.2022 in Crl.M.P.No.382 of 2021 in C.C.No.8 of 2019, on the file of the learned Special Judge, TNPID Court, Chennai and set aside the same and consequently discharge the petitioner from C.C.No.8 of 2019, pending on the files of Learned Special Judge, TNPID Court, Chennai.

For Petitioner : Mr.V.Chandrakanthan

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

O R D E R

This Criminal Revision is filed against the order of dismissal, dismissing the petition for discharge passed by the learned Special Judge under TNPID Act, 1997, Chennai, dated 24.03.2022 in Crl.M.P.No.382 of 2021 in C.C.No.8 of 2019.

2. The petitioner, who is arrayed as accused No.2, has filed the discharge application under Section 239 of Cr.P.C.,



contending that he himself is a victim, having invested more than four lakhs, but, he was arrayed as an accused on the basis of the statement of the prosecutrix, which is factually incorrect. According to the petitioner, he was only an employee and there was no other material to connect him with the occurrences that he had taken place long back after he left the company and he is unnecessarily arrayed as accused in this case.

3. The Trial Court has found that as per the case of the prosecution, the petitioner/A2 mentioned as Director and several listed witnesses have given statements that the petitioner has also come to their home and cajoled them to deposit the amount.

4. In view of the same, however, strong the defence of the petitioner, the same cannot be considered, while deciding the discharge application itself. Even on the basis of a strong suspicion against the petitioner, the Trial Court can frame charges as against the petitioner. Therefore, I am unable to accept the claim of the petitioner at this stage. Therefore, the Criminal Revision is disposed off, on the following terms:-

(i) The order dated 24.03.2022 in CrI.M.P.No.382 of 2021 in C.C.No.8 of 2019 on the file of the Learned learned Special Judge under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, is upheld.

(ii) The petitioner is at liberty to raise all the defence mentioned in the discharge petition at the time of trial. The Trial Court shall consider the same on the merits, without being influenced by any observations made in this order, while deciding the main case.

5. Consequently, CMP.7419 of 2022 is also closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

klt

To

1. The Special Judge under the TNPID Act,
Chennai.



2. The Public Prosecutor,
High Court of Madras.

3. The Inspector of Police,
Economic Offences Wing-II,
Guindy, Chennai - 600 032.

+1cc to Mr.V.Chandrakanthan, Advocate, S.R.No.36510

CRL.R.C.NO.716 OF 2022

SSD(CO)
PBS/07/07/2022