



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.01.2022

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.29471 of 2017 &
Crl.M.P.Nos.16644 & 16645 of 2017

1. N.K.Andavar
2. M.Shanmugam

...Petitioners

Vs

The State rep. by
The Inspector of Police,
EOW-II,
Erode.
(Crime No.6 of 2012)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records relating to C.C.No.4 of 2013 on the file of the Special Court for TNPID Act, 1997 cases, Coimbatore and quash the same insofar as it relates to the petitioners are concerned.

For Petitioners : Mr.K.Govi Ganesan

For Respondent : Mr.S.Vinoth Kumar

Government Advocate [Crl. Side]

O R D E R

This petition has been filed to quash the proceedings in C.C.No.4 of 2013 on the file of the Special Court for TNPID Act, 1997 cases, Coimbatore for the offences under Sections 120B, 420, 468, 471 of I.P.C. and Section 5 of TNPID Act, 1997.

2. The petitioners are arrayed as A8 and A9. The allegation of the prosecution is that the accused have hatched conspiracy and collected huge deposits from the innocent villagers for developing EMU farms. It is the contention of the learned counsel for the petitioners that these petitioners have been arrayed as accused only in the additional final report after the petitioners have filed a writ petition in the interest of the depositors.



3. Whereas, the learned Government Advocate [Criminal Side] submitted that out of 406 witnesses cited by the prosecution, 315 witnesses have already been examined by the trial Court and some of the witnesses have also spoken about the petitioners.

4. In such view of the matter, as substantial portion of evidence has already been adduced before the trial Court, this Court is of the view that it is the domain of the trial Court to appreciate the evidence to find out whether the charges have been proved against the petitioners or not. Hence, this Court is not inclined to quash the final report filed against the petitioners.

4. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

vrc
To

1. The Special Court for TNPID Act,
1997 cases, Coimbatore.
2. The Inspector of Police,
EOW-II,
Erode.
3. The Public Prosecutor
High Court, Madras 104.

+1 CC to Mr.K. Kovi Ganesan, Advocate sr 3527.

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PCH(CO)
SP(08/02/2022)