



Crl.R.C.Nos.693 to 696 and 698 to 730 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case Nos.693 to 696 and 698 to 730 of 2021

Crl.R.C.No.693 of 2021:

The Enforcement Officer,
Employees Provident Fund Organization,
Having its Office situated at Door No.1,
Venkatapuram Street, Pollachi.

... Petitioner

Versus

1.Sri.M.Manonmanian,
Joint Managing Director,
M/s.Komminar Textiles (P) Ltd.,
S/o.Mookana Gounder,
8/258-2, Kamadenu Nagar,
Sri Vasavi College (PO),
Erode 16.

2.Sri.R.Dandayuthapani,
Director,
M/s.Komminar Textiles (P) Ltd.,
S/o.Ramalingam Chettiar,
20, Main Road, Komarapalayam,
Salem District.

... Respondents

Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order passed by the



learned Principal Sessions Judge, Tiruppur in C.M.P.No.1752 of 2018 dated 14.03.2019.

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For Petitioner in all cases : Ms.R.Meenakshi

For Respondents in all cases : Notice served, No appearance for R1
Mr.B.Kumarasamy for R2

COMMON ORDER

These revision cases arising out of the dismissal orders dated 14.03.2019 passed by the learned Principal Sessions Judge, Tiruppur.

2.The revision petitioner is the Enforcement Officer of the Employees Provident Fund Organization, Pollachi.

3. According to the revision petitioner, the respondents/A3 and A4 failed to remit the employees pension fund and other contributions to the petitioner Organization and hence, they have initiated proceedings and also filed the Calendar Cases. After completing trial, the learned Magistrate has dismissed the case as against the respondents herein. Challenging the same, the petitioner has filed appeals with petitions to condone the delay of 214 days before the learned Principal Sessions Judge, Tiruppur and the same were dismissed. Aggrieved by the same, the petitioner/Organization has preferred



the present revisions.

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4. The learned counsel for the revision petitioner submitted that the papers pertaining to the above case were mixed up in the legal cell of the petitioner's office and hence, they are not in a position to file the appeals in time and the same is neither willful nor wanton. The learned Sessions Judge, failed to consider the facts and simply dismissed the petitions, which is against the provisions of law and also the law laid down by the Hon'ble Supreme Court.

5. The learned counsel for the respondents submitted that the delay is not properly explained by the petitioner and there is no merit in the appeals hence, the appeals are not maintainable. Learned counsel for the respondents further submitted that even if the revision petitions are allowed and the matter is remitted back to the Sessions Court which is nothing but futile exercise and hence, the main appeals have to be dismissed under the law.

6. Heard the learned counsel for the petitioner and the learned counsel for the respondent and also perused the materials available on record.



7. Admittedly, the petitioner/Organization is the complainant and they have filed Calendar Case in C.C.Nos.109, 111, 97, 112, 125, 124, 126, 131, 99, 98, 121, 104, 129, 108, 105, 110, 115, 122, 130, 103, 113, 114, 127, 107, 133, 132, 118, 106, 102, 100, 128, 117, 116, 101, 123, 120 and 119 of 2000 before the learned Judicial Magistrate No.II, Udumalpet and the same were dismissed on merits. Challenging the same, the petitioner has preferred appeals with the delay of 214 days in Crl.M.P.Nos.1752, 1750, 1762, 1764, 1749, 1766, 1767, 1751, 1768, 1763, 1753, 1754, 1765, 1742, 1759, 1743, 1741, 1760, 1761, 1740, 1739, 1744, 1745, 1770, 1769, 1771, 1772, 1775, 1773, 1748, 1747, 1758, 1746, 1774, 1757, 1756 and 1755 of 2018 and the same were dismissed.

8. Since the money involved in the case on hand is employees contributions, this Court is not inclined to take up the matters on merits. The learned counsel for the petitioners submitted that papers were missed in the legal cell of the petitioner's office, but they have not given any details about the dates and events on which the papers were missed. However, in order to meet the ends of justice and to substantiate the justice, this Court is inclined to allow the revision petitions and the orders dated 14.3.2019 passed in



Crl.M.P.Nos.1752, 1750, 1762, 1764, 1749, 1766, 1767, 1751, 1768, 1763, 1753, 1754, 1765, 1742, 1759, 1743, 1741, 1760, 1761, 1740, 1739, 1744, 1745, 1770, 1769, 1771, 1772, 1775, 1773, 1748, 1747, 1758, 1746, 1774, 1757, 1756 and 1755 of 2018, respectively by the learned Principal Sessions Judge, Tiruppur are set aside and the matters are remitted back to the Principal Sessions Court, Tiruppur, and the appeals are directed to be taken on file, if they are otherwise in order and give opportunity to all the parties and decide the appeals on merits.

9. With the above directions, these Criminal Revision Cases are disposed of.

14.10.2022

Index : Yes/No
Speaking Order/Non Speaking Order
ms

To
The Principal Sessions Judge,
Tiruppur



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P.VELMURUGAN, J.

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