



Crl.A.No.28 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.A.No.28 of 2019

Parthiban

... Appellant/A9

Vs.

State rep by
The Deputy Superintendent of Police,
Economic Offences Wing-II,
Salem District

... Respondent

PRAYER:

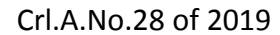
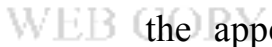
Criminal Appeal filed under Section 374 (2) of Code of Criminal Procedure, to set aside the judgment dated 19.06.2017 passed in CC.No.3 of 2011 by the learned Special Judge, Special Court under TNPID Act Cases, Coimbatore.

For Appellant : Mr.M.N.Balakrishnan

For Respondent : Mr.A.Gopinath,
Government Advocate(crl.side)

JUDGMENT

This criminal appeal has been filed to set aside the judgment dated 19.06.2017 passed in CC.No.3 of 2011 by the learned Special Judge, Special Court under TNPID Act Cases, Coimbatore.



3. The learned counsel for the appellant circulated the order of this Court passed in W.P.No.13472 of 2019 dated 05.08.2019, wherein, this Court has passed the following order:

4. It is submitted by the appellant that due to the interim order passed by this Court, the balance sum of Rs.3,09,35,925/- has been deposited. Hence, prayer for compounding the offence by invoking Section 5A of the TNPID Act. This plea though accepted by many of the depositors, who are parties in this batch of cases, not acceptable to some of the depositors.

5. In the said circumstances, this Court is of the view that the matter shall be remitted back to the Special Court to record compounding of the offence, wherever the investors are ready to accept the principal amount. For the



Crl.A.No.28 of 2019

remaining depositors retry the case and decide whether offence under this Act is attracted against the accused and be dealt accordingly.

6. This Court takes note of the fact that there are materials to show that the prosecution has been launched against some of the sleeping partners and retired partners of the firm and their role in collection of deposit has not been clearly made out by the prosecution during the trial.

7. Hence, the order of the Court below is set aside as against the appellant herein. The case is remanded back for retrial. The Court below shall take note of the fact that the amount collected has already been deposited and most of the investors are ready to compound the offence.

8. Meanwhile the money deposited by the accused persons shall be invested in any one of the Nationalized banks to accrue interest. The fine amount if collected, shall be refunded to the accused persons, subject to the outcome of the trial.

9. Accordingly, this Criminal Appeal is allowed and the matter is remanded back for retrial.



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Crl.A.No.28 of 2019

17.11.2022

Speaking/non-speaking

Index : Yes/No

Internet : Yes

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Crl.A.No.28 of 2019



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Crl.A.No.28 of 2019

G.K.ILANTHIRAIYAN, J.

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To

- 1.The learned Special Judge,
Special Court under TNPID Act Cases,
Coimbatore.
- 2.The Deputy Superintendent of Police,
Economic Offences Wing-II,
Salem District
- 3.The Public Prosecutor,
High Court of Madras

Crl.A.No.28 of 2019

17.11.2022