



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD)No.5261 of 2022

S.Sathyaraj

... Petitioner

Vs.

The State
Represented by the Inspector of Police,
Economic Offences Wing No.II,
Virudhunagar

...Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to quash the impugned summons dated 07.03.2022 in C.C.No.10 of 2014 on the file of the Special Court for TANPID, Madurai, dated 07.03.2022.

For Petitioner	: Mr.V.A.Dhana Aravindha Balaji for M/s.Dhana Law Associates
For Respondent	: Mr.B.Thanga Aravindh Government Advocate(crl.side)

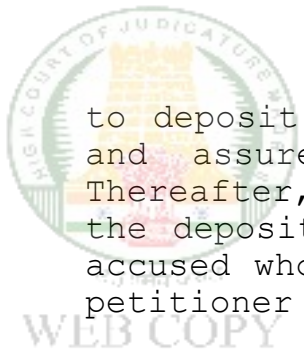
ORDER

This Criminal Original Petition is filed to quash the summon dated 07.03.2022 issued in C.C.No.10 of 2014 on the file of the Special Court for TNPID, Madurai, thereby summoned the petitioner for his evidence on 15.03.2020. There are totally seven accused in this case.

2.Heard the learned counsel appearing on either side and perused the records.

3.On perusal of the records reveals that there are totally 7 accused in which the six accused is the producer of the cinema. The petitioner is a cinema actor, who has been arrayed as witness No.242 in C.C.No.10 of 2014 on the file of the Special Court for TANPID, Madurai, as he had received advance amount of Rs.2,50,000/- from the accused firm for acting in a movie.

4.The case of the prosecution is that the sixth accused along with the other accused persons collected money from general public



to deposit in the Star Vision Innovative Marketing Private Limited and assure that the same will be returned with more interest. Thereafter, they cheated all the general public and failed to return the deposited amount. The petitioner being an actor and the sixth accused who being a producer advanced a sum of Rs.2,50,000/- to the petitioner to act in a film to be produced by him.

5. On perusal of 161 (3) Cr.P.C statement of the petitioner herein revealed that the petitioner received a sum of Rs. 2,50,000/- as an advance to act in a film to be produced by the sixth accused. Thereafter, he came to understand that the sixth accused along with the other accused cheated the general public and also he had failed to produce the film. According to the bye laws of their association, if the producer failed to produce the film within a period of one year from the date of the payment of the advanced amount, the advanced amount paid to the actor forfeited. However, on investigation, he came to understand that the said money, which were collected from the general public and as such, he is ready and willing to deposit the same before the trial Court through his counsel. The petitioner could not be able to appear before the trial Court due to his personal inconvenience. Before the trial Court, he was summoned to appear on 15.03.2022 for his evidence and on that date, he could not be able to appear and adjourned to 22.03.2022 for his evidence.

6. In view of the above, the impugned summons dated 07.03.2022 in C.C.No.10 of 2014 on the file of the Special Court for TANPID, Madurai, is set aside. The presence of the petitioner for his evidence is hereby dispensed with on condition that he shall deposit a sum of Rs.2,50,000/- through his counsel by way of an affidavit on 22.03.2022 to the credit of C.C.No.10 of 2014. On receipt of the same, the trial court is directed to receive the said amount and deposit the same to the credit of C.C.No.10 of 2014 on the file of the Special Court for TANPID, Madurai and disburse the same in favour of the depositors.

7. With the above directions, this criminal original petition is allowed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar



To:

1.The Special Court for TANPID,
Madurai.

2.The Inspector of Police,
Economic Offences Wing No.II,
Virudhunagar.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.DHANA LAW ASSOCIATES, Advocate (SR-13062[F] dated
18/03/2022)

Crl.O.P. (MD)No.5261 of 2022
18.03.2022

CP
MS/21.03.2022/3P.5C