



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 20.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR
Crl.A.(MD)No.386 of 2022

T.K.Madhavan

... Appellant/Appellant/A2

vs.

1.The State Represented by its
The Deputy Superintendent of Police,
Economic Offence Wing II,
Nagercoil, Kanyakumari District.

... 1st Respondent/1st
Respondent/Complainant

2.The District Revenue Officer,
Nagercoil, Kanniyakumari District.

... 2nd Respondent/2nd Respondent/
Competent Authority

PRAYER : Criminal Appeal filed under Section 11 of Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997, to call for the records relating to the impugned order passed in Cr.M.P.No.107 of 2022 in C.C.No.22 of 2013, dated 08.06.2022 on the file of the Special Court under the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997, Madurai and set aside the same.

For Appellant	: Mr.R.J.Karthick
For Respondents	: Mr.B.Nambi Selvan
	Additional Public Prosecutor

JUDGMENT

The Criminal Appeal has been filed challenging the order dated 08.06.2022 in Cr.M.P.No.107 of 2022 in C.C.No.22 of 2013 passed by the learned Special Court under the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997, Madurai, dismissing the application for extension.

2.The appellant is arrayed as an accused No.2 in C.C.No.22 of 2013. It is not in dispute that the trial was completed and the case is now pending for the proceedings under Section 313 of Cr.P.C.

3.At this juncture, the appellant/A2 has filed an application in Cr.M.P.No.107 of 2022, seeking permission to compound the offence and



the learned Special Judge, vide order dated 21.04.2022 has permitted the competent authority to allow the appellant/A2 to compound the offence and submit the compliance report on or before 21.05.2022 by granting one month time. Subsequently, the appellant/A2 has filed an application in Cr.M.P.No.107 of 2022 seeking extension of time on the ground that he was not able to comply with the same within the time specified before the trial Court. The learned Special Judge, after enquiry has passed the impugned order dismissing the said petition. Aggrieved by the said dismissal of extension petition, the present appeal has been filed.

4.The learned Additional Public Prosecutor would submit that the case is pending for the past 12 years and now the case is pending for the proceedings under Section 313 of Cr.P.C., that the appellant/A2 after getting one month time, has not complied with the direction of the Court below and that therefore, the learned Special Judge has rightly dismissed the extension application.

5.It is seen from the records that the learned Special Judge, while permitting the appellant/A2 to compound the offence, has granted one month time on or before 21.05.2022.

6.The learned counsel for the appellant would submit that in C.C.No.22 of 2013, out of 131 depositors, the appellant/A2 settled the amount to 48 depositors and that therefore, he is not in a position to comply with the direction issued by the Court below within the time stipulated.

7.Considering the above facts and circumstances and also the fact that the learned Special Judge has already granted one month time, this Court is inclined to extend a further period of one month from today.

8.In the result, the impugned order in Cr.M.P.No.107 of 2022 in C.C.No.22 of 2013, dated 08.06.2022 passed by the Special Court under the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997, Madurai, is set aside and this Criminal Appeal is allowed, granting one month time from today.

Sd/-

Assistant Registrar(Cs-III)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

sji



To

1.The Special Court under the Tamil Nadu
Protection of Interests of Depositors
(In Financial Establishments) Act, 1997, Madurai.

WEB COPY

2.The Deputy Superintendent of Police,
Economic Offence Wing II,
Nagercoil, Kanyakumari District.

3.The District Revenue Officer,
Nagercoil, Kanniyakumari District.

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

5.The Record Keeper,
Criminal Section, Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.J. KARTHICK, Advocate (SR-26912[F] dated
20/06/2022)

Crl.A.(MD)No.386 of 2022
20.06.2022

SRR(CO)
KB(27.06.2022) 3P 8C