



Crl.A.(MD)No.410 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 07.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.A.(MD)No.410 of 2022
and
Crl.M.P.(MD)No.7689 of 2022

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... Petitioner/Accused No.3

vs.

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

2.The District Revenue Officer,
Nagercoil,
Kanniyakumari District.
(Crime No.15 of 2005)

... Respondents

PRAYER : Criminal Appeal filed under Section 11 of Tamil Nadu Protection of Interests of Depositors Act, 1997, to call for the records of the order in Cr.M.P.No.108 of 2022 in dated 13.06.2022 on the file of the learned Special District Judge for (The Tamil Nadu Protection of Interests of Depositors Act, 1997) TANPID Act, Madurai and set aside the same.



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For Appellant : Mr.T.Lajapathi Roy,

For Respondents : Mr.B.Nambi Selvan
Additional Public Prosecutor

JUDGMENT

The Criminal Appeal is directed against the order passed in Cr.M.P.No.108 of 2022 in C.C.No.02 of 2011 dated 13.06.2022, dismissing the application seeking extension of time for complying with the order passed in Crl.M.P.No.45 of 2022 on the file of the TNPID Court.

2.It is evident from the records that the petition in Crl.M.P.No.45 of 2022 was allowed and thereby the appellant was permitted to compound the offence before competent authority within one month (i.e., on or before 21.05.2022). Subsequently, since the order was not complied, the appellant has moved an application for extension of time on 08.06.2022 stating that the appellant had settled the defaulted amount to the tune of Rs.24,39,000/- to 10 depositors, but the learned trial Judge, by observing that the petitioner/appellant did not produce any proof in order to establish her averments and taking note of the non-compliance of the order, dismissed the petition.



3. When the matter is taken up for hearing today, the learned counsel for the appellant would submit that the appellant is ready to deposit 50% of the balance amount meant for 51 depositors.

4. The learned Additional Public Prosecutor would submit that the appellant may be directed to deposit the amount within the time frame fixed by this Court.

5. Considering the facts and circumstances of the case and taking note of the submission made by both counsel on record, this Criminal Appeal is allowed and the order passed in Cr.M.P.No.108 of 2022 by the learned Special Judge, Special Court under TNPID Act Cases, Madurai, dated 13.06.2022 is set aside on condition that the appellant shall deposit 50% of the remaining amount meant for 51 depositors within a period of four weeks from the date of receipt of a copy of this judgment, failing which, this Criminal Appeal shall stand dismissed automatically without further reference to this Court. Consequently, connected miscellaneous petition is closed.

07.07.2022

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To

- 1.The Special Court under the Tamil Nadu
Protection of Interests of Depositors
(In Financial Establishments) Act, 1997, Madurai.
- 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,
V.R. Section, Madurai Bench of Madras High Court,
Madurai.

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K.MURALI SHANKAR, J.

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