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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

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

Crl.R.C. (MD)No.612 of 2021

and

Crl.M.P(MD)Nos.6722 & 6723 of 2021

D.Ganeshkumar

... Petitioner/Petitioner/
Accused No.4

Vs.

State Through
The Deputy Superintendent of Police,
Economic Offence Wing-II,
Madurai.

...Respondent/Respondent/Complainant

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records pertaining to the impugned order dated 08.04.2021 passed in Crl.M.P No.474 of 2021 in C.C No.11 of 2013, on the file of the Court of Special Judge, Special Court under TNPID Act Cases, Madurai and set aside the same and discharge the petitioner in C.C No.11 of 2013, on the file of the Court of Special Judge, Special Court under TNPID Act cases, Madurai.

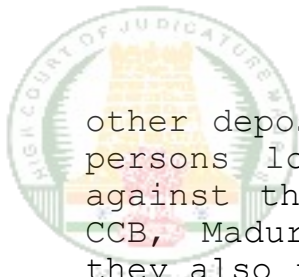
For Petitioner : Mr.S.Ramsundarvijayraj

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

ORDER

The revision petition has been filed challenging the order passed by the Court of Special Judge, Special Court under TNPID Act cases, Madurai in Crl.M.P.No.474 of 2021 in C.C.No.11 of 2013 dated 08.04.2021, thereby dismissed the petition filed for discharge.

2.Thereafter, there are totally four accused persons in which the petitioner herein is the fourth accused. On the complaint lodged by the defacto complainant, the respondent registered the case in Crime No.6 of 2010, for the offences under Sections 406 and 420 of IPC and Section 51 of TNPID Act. After completion of the investigation, final report has been filed and the same has been taken cognizance in C.C.No.11 of 2013, on the file of the Special Court, TNPID Act cases, Madurai. While pending the trial, the petitioner filed a petition for discharge, on the ground that the entire fixed deposit receipts produced by the complainant and the



other depositors are forged one and as such, the one of the accused persons lodged a complaint and the same has been registered as against the depositors in Crime No.3 of 2014, on the file of the CCB, Madurai City. Infact, after completion of the investigation, they also filed the final report.

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3.However, on perusal of the charge against the petitioner and other accused persons, 19 depositors have totally deposited a sum of Rs.2,89,00,000 (Rs.Two Crore and Eighty Nine Lakh only). The first accused is an agency firm, the second accused is the agent of the first accused. The petitioner is arrayed as the fourth accused and there is a specific role as against the petitioner to establish involvement of the petitioner. Therefore, the Court below rightly dismissed the petition for discharge and this Court finds no infirmity or illegality in the order passed by the Court below.

4.However, now the trial has been commenced and the PW1 has also been examined. Therefore, this Court finds no merits in this criminal revision petition and the same is dismissed. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Deputy Registrar(LA & MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Special Judge, Special Court under TNPID Act cases, Madurai.
2. The Deputy Superintendent of Police, Economic Offence Wing-II, Madurai.
- 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



Copy to

The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai. (2 copies)

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-10073[F] dated
04/03/2022)

Cr1.R.C. (MD) No. 612 of 2021

03.03.2022

SB (CO)

TR(18.03.2022) 3P 7C