



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2022

CORAM:

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

Crl.A.(MD)No.494 of 2021

WEB COPY

M.Jeyaraj

... Appellant/ Petitioner/
Owner of the Property

Vs.

The State Represented by,
The Inspector of Police,
Economic Offences Wing-II,
Dindigul District.
Crime No.1 of 2020

... Respondent

Prayer: This Criminal Appeal Petition filed under Section 11 of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997, to call for the entire records pertaining to the Order passed by the Learned Special Judge, Special Court under TNPID Act Cases, Madurai in Cr.M.P.No.1524 of 2021 dated 02.09.2021 and set aside the same and consequently direct the above said learned Special Judge to return the properties to the appellant as scheduled in the petition filed by the appellant.

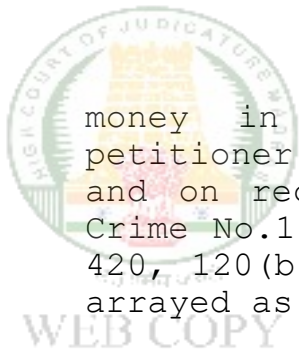
For Petitioner : Mr.S.Balaji

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

JUDGMENT

This Criminal Appeal has been filed as against the order passed by the learned Special Judge, Special Court under the TNPID Act Cases, Madurai, in Cr.M.P.No.1524 of 2021 dated 02.09.2021, thereby, dismissing the petition filed for return of his properties, such as, steel table, wooden table, plastic chair, S-type chair and other house hold articles.

2.The appellant along with other accused persons, established three establishments, viz., (i), Sri Mariamman Social Service Educational Trust, (ii).Nivetha Educational and Social Service Trust, (iii).Singam Marketing and on the basis of those Trusts, they have collected huge money, through Magalir Self-help Groups, by way of lending loan of Rs.1,00,000/- (Rupees One Lakh) to each member, which may be repaid by them in 36 monthly instalments @ Rs.2,780/- (Rupees Two Thousand Seven Hundred and Eighty) per month. Believing their words, so many Magalir Self-help Groups had invested their



money in the petitioner's Trust. However, subsequently, the petitioner and other accused persons cheated the defacto complainant and on receipt of the complaint, the FIR has been registered in Crime No.1 of 2020, for the offences punishable under Sections 406, 420, 120(b) and Section 5 of TNPID Act, in which, the petitioner is arrayed as A7.

3. During investigation, some of the properties, such as, household articles were seized by the respondent and all the articles were duly indexed and deposited before the Court below, in R.P.R.No.3 of 2020. Thereafter, the said property was ordered to be kept in police custody, until further orders. The properties seized become liable to be attached in connection with the above case. Therefore, the District Revenue Officer has duly processed the properties for attachment, considering the provisions of the TNPID Act. Further, the seized articles are used for Trusts for the purpose of collecting money from public in order to cheat by uttering sweet words and the appellant is not entitled to claim such seized items.

4. In view of the above, the Court below, rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below.

5. Accordingly, this Criminal Appeal stands dismissed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

PNM

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 Inspector of Police,
Economic Offences Wing-II,
Dindigul District.



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

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