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Crl.O.P.No.2428 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2428 of 2023

and

Crl.M.P.No.1320 of 2023

1.M/s.Baby Emu Farms India P.Ltd.,
1/7 – 16B, Oor Gounder Theru,
Nangavalli Main Road,
Kunjandiyur – Konur Post,
Mettur Taluk, Salem District,
Rep by its Managing Director
S.Thangadurai and Director T.Baby.

2.S.Thangadurai

3.T.Baby

... Petitioners

/vs/

The Inspector of Police,
Economic Offence Wing,
EOW-II, Salem District

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records and set aside the docket order dated 24.01.2023 in C.C.No.23 of 2012 on the file of Special Judge, Special



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Court under Tamil Nadu Protection of Interest of Depositor Act, Coimbatore and direct to examine remaining witness as mentioned in final report in list of witness and direct the trial Court to give opportunity to the petitioners to cross examine them.

For Petitioner	...	Mr.R.Ravichandran
For Respondent	...	Mr.S.Santhosh
		Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to call for the records and set aside the docket order dated 24.01.2023 in C.C.No.23 of 2012 on the file of Special Judge, Special Court under Tamil Nadu Protection of Interest of Depositor Act, Coimbatore and direct to examine remaining witnesses as mentioned in final report in list of witness and direct the trial Court to give opportunity to the petitioners to cross examine them.

2. The learned counsel for the petitioner submitted that the trial Court without examining all the witnesses cited by the prosecution, has now ordered to issue summons to Anburajm Rajkumar and Vijayakumar



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on 02.02.2023. All these witnesses are Investigating Officers in this case.

He further submitted that, there are depositors who are cited as witnesses in this case and they have not been examined so far. Unless all the depositors, who are cited as witnesses in this case are examined, petitioner would not be in a position to establish his case of payment made by him. He also produced the statement of accounts showing distribution of gold coin, payment of money through bank, delivery of emu birds to the depositors.

3. In the light of the said submission, this Court directs the petitioner to file appropriate petition before the **learned Special Judge, Special Court under the Tamil Nadu Protection of Interest of Depositor Act, Coimbatore** with supporting materials for examination of the witnesses to prove the distribution of gold coin, payment of money and delivery of emu birds. On filing of such petition, learned Judge is directed to dispose the petition on merits and in accordance with law in the matter of examination of the witnesses.



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WEB COPY 4. Accordingly, this Criminal Original Petition is disposed of.

Consequently, connected miscellaneous petition is closed.

08.03.2023

Index: Yes/No

Speaking/Non speaking order

Sma

NOTE : Registry is directed to issue order copy on 09.03.2023

To

1. The Inspector of Police,
Economic Offence Wing,
EOW-II, Salem District

2. The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

Sma

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