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Crl.R.C.No.238 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.R.C.No.238 of 2023

G.Jayakumar

... Petitioner

/vs/

1.State rep by
The Inspector of Police,
District Crime Branch,
Thiruvallur.

2.The District Revenue Officer,
Thiruvallur.

[2nd respondent was impleaded as per order passed
in Crl.M.P.No.5206/2022 dated 14.12.2022]

... Respondent

PRAYER : Criminal Revision Case has been filed under Section 397 r/w. 401 Cr.P.C. to call for the records made in Crl.M.P.No.4775 of 2022 dated 23.01.2023 on the file of the Special Judge, under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Chennai and set aside the same.

For Petitioner

... M/s.G.Selvi George

For Respondent

... Mr.V.Meganathan
Government Advocate (Crl. Side)



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ORDER

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The Criminal Revision Case has been filed challenging the impugned order dated 23.01.2023 passed in Crl.M.P.No.4775 of 2022 by the learned Special Judge, under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Chennai.

2.The learned counsel for the petitioner submitted that the petitioner is the owner of the building, in which, the accused persons, in connection with the Crime No.63 of 2022 on the file of the respondent police, were running the Maligai Fund from the year 2018 onwards. On receiving the complaint from the depositors, the respondent police registered a case against the accused persons, who running the chit. After registering the case, they locked the petitioner's premises and taken the key. Thereafter, the petitioner filed a petition before the Court of Special Judge, TNPID Act to unlock the petitioner's premises. While ordering to unlock the premises, the learned Judge directed to deposit a sum of Rs.3,00,000/- in the form of Fixed Deposit in the name of DRO, Thiruvallur to the credit of Crime No.63 of 2022, on the file of the the District Crime branch, Thiruvallur is unwarranted. The petitioner is only of owner of the premises and he is not



running any chit fund and not benefited in the alleged chit. In these circumstances, being the owner of the premises and no way connected with the crime committed by the accused persons, direction of the Trial Court to deposit Rs.3,00,000/- to the credit of crime number is unwarranted. The Trial Court failed to consider the fact. Therefore, seeking to set aside the direction of the Trial Court with regard to deposit of Rs.3,00,000/- alone.

3. The learned Government Advocate (Crl.Side) for the respondent submitted that the petitioner is the owner of the premises, in which, the accused persons were running the Maligai Fund from the year 2018 onwards. Since the accused persons have not paid the deposit amount, the complaint has been registered in Crime No.63 of 2022. The respondent police investigated the case and locked the premises and take the key. Subsequently, the learned Judge ordered to hand over the premises key to the petitioner on condition to deposit a sum of Rs.3,00,000/- in the form of Fixed Deposit. He further submitted that the petitioner had not received any share or profit from the accused persons, who have run the chit fund.

4. I have considered the submissions made by the learned counsel



and perused the materials on record.

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5. On perusal of the records, the fact reveals that the petitioner is the owner of the premises bearing Door No.269, Ammanampakkam Junction, Ammanambakkam, Thiruvallur. One Jothi, who is the 1st accused in Crime No.63 of 2022, had approached the petitioner to run a grocery store. Therefore, the petitioner accepted his request and let the shop to him. In this regard, the petitioner and the 1st accused had entered into rental agreement. The rental agreement was already expired on 09.01.2022. Meanwhile, various complaints were coming against the said person, the accused persons were absconding from the said business place. The petitioner came to know that they were not only running a grocery store and also running a chit company and cheated the public. Based on various complaints, the respondent police registered the case and seized the petitioner's premises and the key is kept under their custody.

6. It is not disputed that the petitioner is the owner of the property only, and not connected with the running of the alleged chit company. In these circumstances, the Trial Court rightly directed to hand over the key to



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the petitioner as he is the owner of the building, but direction with regard to deposit of Rs.3,00,000/- in the form of Fixed Deposit is unwarranted.

Therefore, the impugned order is hereby set aside in respect of depositing of Rs.3,00,000/- in the form of Fixed Deposit. In other aspects, the impugned order is confirmed and the respondent police is directed to unlock the petitioner's premises and to hand over the key to the petitioner.

7. With the above directions, this Criminal Revision Case is allowed.

Index : Yes/No
Internet : Yes/No
rpl

09.02.2023

Note: Issue order copy on 13.02.2023

To

1.The Special Judge, under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Chennai.

2.The Inspector of Police,
District Crime Branch,
Thiruvallur.

V.SIVAGNANAM,J.



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3.The District Revenue Officer,
Thiruvallur.

4.The Public Prosecutor,
High Court, Madras.

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