



Crl.R.C.No.1246 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.R.C.No.1246 of 2023

B.Sugumar

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Economic Offences Wing-II, (U),
Vellore,
Vellore District.

2.The Inspector of Police,
Economic Offences Wing-II, (U),
Vellore,
Vellore District.
(Crime No.02/2018)

... Respondents

Prayer : Criminal Revision filed under Section 397 r/w. 401 of Criminal Procedure Code to set aside the orders dated 23.05.2023 in Crl.M.P.No.1330/2023 in C.C.No.2/2022 on the file of the learned Special Judge under Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act 1997, Chennai.

For Petitioner : Mr.M.Sathish Kumar

For Respondents : Mr.R.Vinothraja, GA (Crl. Side)



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ORDER

Challenge in this criminal revision case is made to the orders dated 23.05.2023 in Crl.M.P.No.1330/2023 in C.C.No.2/2022 on the file of the learned Special Judge under Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act 1997, Chennai.

2.The case of the prosecution is that the accused Thiayagarajan (A9) was running a financial establishment in the name and style of M/s.Royal Agro & Dairy Limited, Krishna Nagar, Vellore District and he conspired with A-10 to A-22 and collected deposits from various persons on the false promise that they would be given higher rate of interest for the deposited amount. Thus, he had collected a sum of Rs.26,19,00,000/- from various persons and did not return the amount to the depositors as promised by him. Based on the complaint given by the depositors, the Inspector of Police, Economic Offences Wing, Vellore District registered an FIR against the accused for the offences punishable under Sections 420, 406 IPC r/w.120(B) IPC and Section 5 of TNPID Act, 1997. In the



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meanwhile, the present petitioner filed an anticipatory bail petition before this Court in Crl.O.P.No.16944/2019 wherein he was enlarged on bail with a condition that he should deposit a sum of Rs.8,00,000/- to the credit of Crime No.02/2018 before the Special Judge, TNPID Court, Chennai.

3. The Deputy Superintendent of Police, Economic Offences Wing had filed a final report before the TNPID Court, Chennai, in which, the present petitioner has not been shown as an accused. Therefore, the petitioner filed Crl.M.P.No.1330/2023 seeking to refund the deposit amount of Rs.8,00,000/- which was deposited by him in Crime No.02/2018 as per the condition imposed in Crl.O.P.No.16944/2019 by this Court on 08.07.2019. The learned Special Judge, TNPID Court, Chennai vide orders dated 23.05.2023 dismissed the said petition by observing thus :

"9.Now this court has to decide whether the amount is to be returned to the petitioner or not. The petitioner has not denied that he did not receive Rs.10 lakhs from the accused



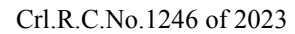
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Thiyagarajan. Now he filed petition for refund as he was not impleaded as accused. This court has civil and criminal jurisdiction. In the circumstances, this court feels that it is not right time to discuss the issue. Because the attachment of the movable/jewels/cash and immovable properties will be decided in the civil side of this court. Therefore, at present it is not just and proper to return the amount for the only reason that he was not an accused in this case. There is a detail enquiry is needed whether it is depositor's money or not. Under these circumstances, this court is not inclined to entertain this petition at present."

3. Mr.M.Sathish Kumar, learned counsel for the revision petitioner contended that since in the final report the present petitioner has not been arraigned as an accused, the amount deposited by him has to be refunded.

4. Mr.R.Vinothraja, learned Government Advocate (Crl. Side) contended that though final report was filed in the instant case, the respondents are conducting further investigation.



6. Accordingly, the Criminal Revision is dismissed. The orders dated 23.05.2023 in CrI.M.P.No.1330/2023 in C.C.No.2/2022 on the file of the learned Special Judge under Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act 1997, Chennai, is confirmed.

07.09.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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To

1.The Deputy Superintendent of Police,
Economic Offences Wing-II, (U),
Vellore,
Vellore District.

2.The Inspector of Police,
Economic Offences Wing-II, (U),
Vellore,
Vellore District.
(Crime No.02/2018)

3.The Special Court under Tamil Nadu Protection of Interest of
Depositors (in Financial Establishment) Act 1997, Chennai.



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R. HEMALATHA, J.
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