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CrI.OP.No.19708 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.19708 of 2021
and CrI.MP.No.10755 of 2021

G.Subramaniam

... Petitioner

Vs.

- 1.State rep. By the
Inspector of Police,
CBCID Namakkal, Namakkal District
(cr.No.882 of 2007)
- 2.Balu @ Chairman Balu
- 3.Asaithambi
- 4.Subramani
- 5.Kuppusamy
Subramani(died)
- 6.P.Loganathan @ Babu
- 7.S.R.Nadanasabapathi
- 8.T.A.Balasundaram

... Respondents

PRAYER: Criminal original petition is filed under Section 482 of Cr.P.C. to set aside the order passed in CrI.MP.No.1526 of 2021 in CC.No.1 of 2015 dated 16.09.2021 on the file of the Chief Judicial Magistrate, Namakkal and consequently direct the first respondent police to conduct further investigation and file additional final report in the above crime case within stipulated time



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period as may be fixed by this Court.

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For Petitioner : Mr.R.John Sathyan,
Senior Counsel
for Mr.S.Kolandasamy

For Respondents
For R1 : Mr.A.Gopinath,
Government Advocate(Crl.side)

For R2 to 5 : No appearance

ORDER

This Criminal Original Petition has been filed challenging the order passed in Crl.MP.No.1526 of 2021 in CC.No.1 of 2015 dated 16.09.2021 on the file of the Chief Judicial Magistrate, Namakkal, thereby dismissed the petition filed under Section 173(8) of Cr.P.C.

2. The petitioner lodged complaint and the same has been registered and final report was filed by the first respondent for the offence punishable under Sections 147, 380 r/w 34 of IPC and the same has been taken cognizance in CC.No.1 of 2015 on the file of the Chief Judicial Magistrate, Namakkal. However, the learned Senior Counsel appearing for the petitioner submitted that the petitioner is one of the Directors of the company called Sri Arthanareeswara Paper and Board Private Limited and one, E.Mani was



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functioning as Managing Director. The Board consists of newly inducted seven directors and they are arrayed as A1 to A7. They ought to have invested for 50% of shares by pledging their properties approximately to an extent of Rs.40 lakhs to avail loan from the bank within a period of one month. They had intentionally joined the board to misuse the company director post without investing any single rupee and swindled worth about Rs.50 lakhs approximately by committing theft. At the time of induction of them as Directors, Rs.40 lakhs were credited on book of records and for machineries and boiler hypothecation to the tune of Rs.20 lakhs before the Tamilnadu Industrial Investment Corporation, Namakkal and cash credit loan to the extent of Rs.20 lakhs from the Punjab National Bank, Sankari Branch. However, they have not invested any amount in the company and committed the offence of swindling the assets of the company. Further, on 13.09.1999, when the defacto complainant left the company, the accused committed theft by stealing the generator worth about Rs.7,05,000/- and on 06.07.2000 other valuables worth about several lakhs, electronic panel, Dyno Drive 50 HP motor, craft paper worth about Rs.22 lakhs and sold out to one dealer in Trichy through P.S.Sundaram, Pallipalayam who is the close aid of the accused person. However, it was not invested and nothing recovered from the said persons.



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3. Further, the trial court dismissed the petition sought for further investigation on the ground that the matter is posted for trial. The petitioner filed this petition immediately.

4. Considering the above facts and circumstances of the case, the first respondent is directed to conduct further investigation and to file additional final report in CC.No.1 of 2015 if any material is available. In the meanwhile, the trial court is directed to proceed with the trial as per the final report which was already filed by the first respondent in CC.No.1 of 2015.

5. With the above directions, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

22.11.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

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To

- 1.The learned Chief Judicial Magistrate,
Namakkal
- 2.Inspector of Police,
CBCID Namakkal, Namakkal District
- 3.The Government Advocate,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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