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CrI.O.P.No.24584 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 26.06.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.24584 of 2022

M.B.Suresh Kumar

... Petitioner

Versus

1.The State of Tamil Nadu

Represented by Inspector of Police,
Central Crime Branch,
Tiruppur.

2.Sanjeev Narula

Managing Director,
Lilliput Kids wear Ltd.,
D-109, Greater Kailash Phase – 1,
New Delhi – 110 020.

3.Kawalijit Singh Dhillon

Marketing Director,
Lilliput Kids wear Ltd.,
D-95, Okahala Phase-I,
Okhala Industrial Estate,
New Delhi – 110 020.



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4.Arun Jain,
Finance Director,
Lilliput Kids wear Ltd.,
Villa No.34, Block No.IV,
2nd Floor, Eros Garden,
Faridabad.

5.Lalli Chopra,
Sourcing Manager,
Lilliput Kids wear Ltd.,
D-95, Okahala Phase-I,
Okhala Industrial Estate,
New Delhi – 110 020.

6.Aman
Manager,
Lilliput Kids wear Ltd.,
D-95, Okahala Phase-I,
Okhala Industrial Estate,
New Delhi – 110 020.

... Respondents

PRAYER : Criminal Original petition filed under Section 482 Cr.P.C. praying to direct the learned Judicial Magistrate No.III, Tiruppur to dispose of the C.C.No.734 of 2017 as expeditious conclusion of the trial within a stipulated time.

For Petitioner : Mr.K.V.Muthu Visakan

For Respondent-1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner/de-facto complainant in Crime No.4 of 2013 has filed this petition with a prayer to direct the learned Judicial Magistrate No.III, Tiruppur to dispose of the C.C.No.734 of 2017 expeditiously and conclude the trial within a stipulated time.

2. Mr.A.Prakash, Inspector of Police, CCB, Tiruppur City is present before this Court.

3. The facts of the case is that the five accused in the charge sheet/respondents 2 to 6 have conspired together and committed an offence of cheating and misappropriation not only on the de-facto complainant and also 28 other Banian manufacturers of Tiruppur. The second respondent/A1 was running a business in Okhala Industrial Estate in the name of M/s.Lilliput Kidswear Limited and had purchased various hosiery garments from the manufacturers in Tiruppur. Further, a branch office had been opened in



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Tiruppur. The third respondent/A2 is the Marketing Director, the fourth respondent/A3 is the Finance Director, the fifth respondent/A4 is the Sourcing Manager and the sixth respondent/A5 is the Manager of Lilliput Kidswear Ltd. They placed orders to the petitioner's company by way of purchase order in PO No.POGEN – 02251, 29.08.2011 and the petitioner had supplied goods to the value of Rs.37,87,639/-. The accused herein had received goods, thereafter issued cheque which also got dishonoured. Further closed the business in Tiruppur and all escaped to Delhi and they were unable to be found there. During investigation it was found that apart from the petitioner, 28 Firms and Companies were cheated and thus the accused had cheated Banian manufacturers to the tune of Rs.31,29,41,339/-. Though a charge sheet came to be filed in the year 2015 before the learned Judicial Magistrate-I, Tiruppur on 27.07.2015, thereafter no progress.

4. The contention of the learned counsel for the petitioner is that earlier when the F.I.R. was pending in Crime No.4 of 2013, A1-Sanjeev



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Narula, A5-Aman, A3-Arun Jain and one Seemapuri had filed quash petitions before this Court in Crl.O.P.Nos.11359, 29651, 11358 and 32152 of 2013, respectively and this Court by a common order dated 26.06.2015 had dismissed the quash petitions against Sanjeev Narula, Arul Jain and Aman and allowed the petition in Crl.O.P.No.32152 of 2013 filed by Seemapuri. Thereafter, though charge sheet filed on 27.07.2015 before learned Judicial Magistrate-I, Tiruppur, A1 to A3 appeared, A4 and A5 were evading summons. In the meanwhile due to bifurcation, case has been transferred to the file of Judicial Magistrate Court No.III, Tiruppur and the same was taken on file in C.C.No.734 of 2017. Again summons were issued to the accused. Now except A1 to A3, who were appeared and now represented by a counsel, summons are yet to be served on A4 and A5 and Non Bailable Warrant was issued for securing A4 and A5. The respondent police had not taken effective steps to secure the accused thereby indirectly benefiting the accused. He further submitted that not only the petitioner also 28 other Banian



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manufacturers are suffering due to the pendency of the case without any progress and huge sum of Rs.31,29,41,339/- is blocked. Hence, the petitioner is constrained to file the above petition.

5. Learned Additional Public Prosecutor submits that initially on the complaint of the petitioner a case in Crime No.4 of 2013 registered. Thereafter, investigation progressed. At that time, some of the accused filed quash petitions and finally the quash petitions were disposed on 26.06.2015. Hence, there was some delay. After the disposal of the quash petitions, investigation completed, charge sheet filed in C.C.No.712 of 2015 on 27.07.2015 before learned Judicial Magistrate No.I, Tiruppur. Thereafter, it was transferred to the file of Judicial Magistrate Court No.III, Tiruppur in the year 2017 and renumbered as C.C.No.734 of 2017. He further submits that a special police team had been framed. They have gone to Delhi and they were unable to secure A4 and A5. They have also made arrangements in and around Delhi to find out the whereabouts of A4 and A5. He further submits



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that the respondent police had taken steps to secure the accused and file a petition to split up the case against the absconding accused A4 and A5 and proceed with the trial against A1 to A3. As and when absconding accused are secured they will be produced before the trial Court. The learned Additional Public Prosecutor undertakes to file a split up petition within a period of two weeks from today.

6. In view of the above submission, this Court directs the respondent police to file a split up petition before the trial Court and also take steps to secure A4 and A5. If there is any further delay, declare them as proclaimed offender, split the case and proceed with the trial against A1 to A3. There are 43 witnesses listed. On filing of petition for proclamation, the learned Judicial Magistrate No.III, Tiruppur is directed to give top priority, proceed with the trial and dispose of the case preferably within a period of six months from the date of receipt of a copy of this order.



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M.NIRMAL KUMAR, J.

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With the above directions, the Criminal Original Petition is
disposed of.

26.06.2023

Index : Yes / No

Internet : Yes/No

rsi

To

- 1.The Inspector of Police,
Central Crime Branch,
Tiruppur.
- 2.The Judicial Magistrate No.III,
Tiruppur.
- 3.The Public Prosecutor,
High Court, Madras.

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