



Crl.A.No.2 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

CORAM:

THE HONOURABLE Mr.JUSTICE **V.SIVAGNANAM**

Criminal Appeal No.2 of 2023

Ador Welding Ltd,
Ador House, 6K Dubash Marg
Fort, Mumbai
Represented by its
Authorized Signatory
Dr.A.R.Sethuraman

.. Appellant

/versus/

1.The Deputy Superintendent of Police,
Economic Offences Wing-II,
Police Training College,
2, Natesan Salai, Ashok Nagar,
Chennai-600 083.

2.Redesh Franchise World Pvt. Ltd,
No.108/6, 7th Floor, Capital Towers,
Kodambakkam High Road,
Nungambakkam, Chennai-34.
Represented by its Directors

3.Mr.Gowri Shankara,
Managing Director,
Redesh Franchise World Pvt.Ltd.

4.Sukumar Surender,



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Director,
Redesh Franchise World Pvt.Ltd.

5.Mrs.Lakshmi
Director,
Redesh Franchise World Pvt.Ltd.

.. Respondents

Criminal Appeal has been filed under Section 374 of Criminal Procedure Code r/w.Section 11 of the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997, praying to set aside the order dated 17.06.2022 made in Crl.M.P.No.1447 of 2022 in Crime No.30 of 2021 on the file of the Special Court under Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997, Chennai-104 in so far as the condition of Deposit of Security Deposit amount of Rs.9,00,000/- in the Crime No.30 of 2021 of E.O.W.II, Chennai is concerned.

For Appellant : Mr.K.V.Shridharan

For R1 : Mr.C.E.Pratap
Government Advocate(Crl.Side)

JUDGMENT

This Criminal Appeal is filed challenging the order dated 17.06.2022 passed in Crl.M.P.No.1447 of 2022 in Crime No.30 of 2021 on the file of the Special Court under Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997, Chennai-104.



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2. The learned counsel for the petitioner contended that the petitioner is not an accused in Crime No.30 of 2021 and he is the owner of the premises, in which, the respondents 2 to 5 are the tenants, who running a business in the name of M/s.Redesh Franchise World Private Limited. The 1st respondent police has registered a case against the respondents 2 to 5 in Crime No.30 of 2021 for having committed the offences under Sections 420 and 409 I.P.C. In such circumstances, the petitioner as a owner of the premises filed an application before the trial Court for handing over the key, which was sealed by the 1st respondent police. The trial Court allowed the application directing the respondent police to return the key to the petitioner immediately on deposit of Rs.9,00,000/- in Crime No.30 of 2021, since the money is involved in the offence under TNPID Act.

3. The learned Government Advocate (Crl.Side) for the 1st respondent submitted that the petitioner is not an accused and he is the owner of the premises, in which, the respondents 2 to 5 running the



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business, only the respondents 2 to 5 are the accused in Crime No.30 of 2021. Now, the case is at the stage of investigation.

4. I have considered the submissions made by the learned counsel and perused the materials on record.

5. On perusal of the records, the fact reveals that the 1st respondent police registered a case against the respondents 2 to 5 based on a complaint given by the *de facto* complainant in Crime No.30 of 2021. The petitioner is a third party and the owner of the premises, in which, the respondents 2 to 5 were running a business. The petitioner is no way connected with the crime committed by the respondents 2 to 5. Since the police seized the premises, the petitioner filed an application to return the key. The Trial Court after accepting the submissions of the petitioner, allowed the petition and directed the respondent police to return the key on deposit of Rs.9,00,000/- by the petitioner, since the money is involved in the crime under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997.



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6. Considering the fact that the petitioner is not being an accused and no way connected with the crime committed by the accused/respondents 2 to 5 and he is the owner of the premises, the condition imposed by the trial Court in Crl.M.P.No.1447 of 2022 dated 17.06.2022 to deposit a sum of Rs.9,00,000/- is unwarranted and unsustainable. Accordingly, this ***Criminal Appeal is allowed*** and the order passed by the trial Court in Crl.M.P.No.1447 of 2022 dated 17.06.2022 is set aside. The petitioner is entitled to get back the key from the police and the respondent police is hereby directed to return the key seized by them.

05.01.2023

Internet:yes/no
Speaking order/ Non speaking order
rpl

To

1.The Special Judge, Special Court under Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997, Chennai-104

2.The Deputy Superintendent of Police,
Economic Offences Wing-II,
Police Training College,
2, Natesan Salai, Ashok Nagar, Chennai-600 083.



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V.SIVAGNANAM,J.

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3.The Public Prosecutor,
High Court of Madras,
Chennai.

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