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Crl.O.P.No.25465 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25465 of 2023

and

Crl.M.P.No.17640 of 2023

Munusamy

... Petitioner

Vs.

State Rep.by
Additional Superintendent of Police,
EOW, Ashok Nagar,
Chennai.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the adjudication order dated 25.09.2023 in C.C.No.9 of 2023 passed by the Special Judge, under Tamilnadu Protection of Interests of Depositors, in Financial Establishment Act, 1997, Chennai.

For Petitioner : Mr.Y.Kajanavas

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Criminal Side)

ORDER

The adjudication order of the Magistrate while recording the final report filed by the respondent police is under challenged.



2. The learned counsel appearing for the petitioner submitted that by filing a defective final report the respondent police has deprived the petitioner herein from availing statutory bail. Therefore, the adjudication of the Special Court directing the respondent police to rectify the defects mentioned in the memorandum has to be set aside.

3. The learned counsel appearing for the petitioner referring the Rule 25 (6) of Tamilnadu Criminal Rules of Practice, 2019 submitted that due to the impugned adjudication order passed by the Special Court, the right of the petitioner seeking default bail may be defeated.

4. The adjudication is in respect of receiving the final report without defect. This is the procedure which is contemplated under the Rule 25 of the Criminal Rules of Practice, 2019. There cannot be any objection by the accused regarding the adjudication of the Magistrate, who before taking the final report on file, scrutinised it and issued memorandum listing out the defects in the final report. If the petitioner wants to take advantage of Section 167 (2) Cr.P.C., then it is entirely different matter which has to be adjudicated in the appropriate manner. Challenging the adjudication of the



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Special Court in the course of taking final report on file will no way help the petitioner herein to canvas his bail petition on the ground of default.

5. With this observation, this Criminal Original Petition is disposed of. Consequently, the connected Criminal Miscellaneous Petition is closed.

07.11.2023

Index : Yes/No
Neutral Citation : Yes/No
rpl

To

1.The Special Judge, under Tamilnadu Protection of Interests of Depositors, in Financial Establishment Act, 1997, Chennai.

2.The Additional Superintendent of Police,
EOW, Ashok Nagar,
Chennai.

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



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Dr.G.JAYACHANDRAN, J.

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