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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 06/01/2023

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The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.RC(MD)No.935 of 2022

and

Crl.MP(MD)Nos.8386 and 8387 of 2022

Ranjithkumar : Petitioner/A3

Vs.

The State rep. By
The Inspector of Police,
DCB, Theni District.
In Crime No.29 of 2019 : Respondent/Complainant

Prayer:- This Criminal Revision has been filed under section 11 of TNPID Act, to call for the records and set aside the order, dated 13/12/2021 made in crl.MP No.264 of 2021 in CC No.6 of 2020 on the file of the Special Judge under TNPID Act cases, Madurai.

For Petitioner : Mr.S.Manoharan

For Respondent : Mr.R.Suresh Kumar
Government Advocate
(Criminal side)

O R D E R

This criminal revision has been filed seeking to in order to set aside the order, dated 13/12/2021 made in crl.MP No.264 of 2021 in CC No.6 of 2020 on the file of the Special Judge under TNPID Act cases, Madurai.



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2.A short point arises for consideration in this matter, according to the petitioner, he was neither a partner to the firm, that is involved in the above said transaction nor given any profit out of the alleged crime. It is not disputed that originally, this petitioner was not a partner in the firm called 'Sri Meenakshi Pawn Brokers Company' and his father was a partner. Later his father died and in his place, a new agreement was entered into between this petitioner and the other partners, on 29/04/2016.

3.Now according to the prosecution, as per the new agreement, this petitioner also undertakes to discharge the liability and also derived benefit out of the above said partnership profits. So the prosecution shows that this petitioner is also liable to be prosecuted under section 5 of TANPID Act.

4.Now the prosecution would say that as mentioned above, the petitioner is a party to the partnership deed. No doubt that he was not a partner originally. But later after the death of his father, he entered into a new agreement.



5. With regard to the above said agreement, the petitioner would say that without his consent or knowledge, he was inducted into the above said partnership venture. Whether it is true or not is a matter for consideration by the trial court.

6. Now all most the trial process is over and the independent witnesses were also examined and only Investigating Officer remains to be examined. So at this stage, at the fag end of the trial, the petition came to be filed on the on the sole ground that he alone participated in the trial process. Now the judgment is going to be pronounced after completing the evidence. When this petition was moved, this court made a specific question to the learned counsel appearing for the petitioner as to how this petition is maintainable at the fag end of the trial process. He would submit that absolutely no document or evidence has been produced before the court to show that he entered as a partner in the above said partnership firm. So according to him, in the absence of any material, he is entitled for discharge even before pronouncing the judgment.



7. But I am unable to agree with this line of argument for the simple reason that when materials have been collected during the course of investigation, linking this petitioner into the above said transactions, through the documents, then the trial court should be proceeded in its own way to its logical conclusion. Absolutely, I find no merit in this petition. He can raise all the defences that are available to him before the trial court.

8. In the result, this criminal revision is **dismissed**. Consequently, connected Miscellaneous Petitions are closed.

06/01/2023

Index: Yes/No
Internet: Yes/No
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To,

- 1.The Special Judge under TNPID Act Cases,
Madurai.
- 2.The Inspector of Police,
DCB, Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G . ILANGO VAN , J

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