



Crl.O.P.(MD)No.15307 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **31.08.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.15307 of 2023
and Crl.M.P(MD).No.12140 of 2023

Irulayee

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Economic Offences Wing-II,
Sivagangai,
Sivagangai District.

2.The Inspector of Police,
Manamadurai Police Station,
Manamadurai,
Sivagangai District.
Crime No.476 of 2017.

3.Pushpalatha

4.Murugan

5.Gayathri

6.Thandavan

7.Natarajan

..Respondents



PRAYER : Criminal Original Petition is filed under Section 407 r/w. Section 482 of Cr.P.C., to transfer the case in C.C.No.843 of 2022 on the file of the learned Judicial Magistrate, Manamadurai to the Special Court, Madurai established under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997.

For Petitioner : Mr.B.Senthil Kumar

For R1 and R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed by the defacto complainant seeking for transfer of C.C.No.843 of 2022 pending on the file of the learned Judicial Magistrate, Manamadurai to the Special Court, Madurai established under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997.

2. It is submitted by the learned counsel appearing for the petitioner/defacto complainant that the accused herein have committed the offence punishable under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997 and cheated not only the defacto complainant but also 60 other persons and that the Police



filed the charge sheet under various Sections, have included the offence under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997.

3. The petitioner/the defacto complainant has filed an application before the trial Court to charge the accused under the provisions of the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997, but the same was dismissed on the very same day.

4. Now, basing on the contents of the charge sheet, the learned counsel appearing for the petitioner/defacto complainant submits that there is a material in the charge sheet to show that the accused have committed the offence under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997 and thereby, sought for a direction to transfer the case.

5. The learned Additional Public Prosecutor appearing for the official respondents has opposed this petition stating that there is no material to hold that the accused have not committed the offence under the Tamil Nadu Protection of Interests of Depositors (in Financial



Establishments) Act, 1997 and thereby, the case cannot be transferred. It is also submitted that P.W.1 to P.W.4 were examined in the regular Court and the case is posted on 04.09.2023 for examination of P.W.5 and P.W.6.

6. This Criminal Original Petition seeking transfer of C.C.No.843 of 2022 from the file of the learned Judicial Magistrate, Manamadurai to the Special Court, Madurai established under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997 cannot be considered on the simple ground that the Special Court has been established under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997, only to try the offences under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997.

7. Even, according to the petitioner, the accused in this case were not charged for the offence under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997 and an attempt made by the petitioner to get the charges altered was declined by the trial Court and the petitioner has not left the said issue there. Since there is no charge made against the accused under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997 and that



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P.W.1 to P.W.4 were also examined in the regular Court, at this stage, the request of the petitioner to transfer the case to the Special Court, Madurai, cannot be considered.

8. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
ssb

31.08.2023

To

- 1.The Deputy Superintendent of Police,
Economic Offences Wing-II,
Sivagangai,
Sivagangai District.
- 2.The Inspector of Police,
Manamadurai Police Station,
Manamadurai,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

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