

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.2711 of 2024

Amandeep Singh Sran

...Petitioner

Vs

1. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai 600004.
2. The State of Tamil Nadu,
Represented by
The Inspector of Police,
Economic Offences Wing,
Trichy (Crime No.3 of 2016)
3. The State of Tamil Nadu,
Rep. by The Inspector of Police,
Economic Offences Wing,
Chennai
4. The State of Tamil Nadu,
Represented by
The Inspector of Police,
Economic Offences Wing II,
Madurai
5. The State of Tamil Nadu,
Represented by
The Inspector of Police,

Economic offences Wing II.
Tirunelveli

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the respondents 2 to 5 to clubbing and for transfer of all the FIR Nos. 3/15 9/15 2/16 and 3/2016 at various place in the State of TamilNadu at one place before any appropriate agency/ court.

For Petitioner : Mr.Varimder Kumar Sharma

For Respondent 1 : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed for a direction to club four FIRs in Crime No.3/2015, 09/2015, 02/2016 and 03/2016, which are investigated in various districts in Tamil Nadu and to club these cases and direct the investigation to be conducted by a single agency.

2. Heard Mr.Varimder Kumar Sharma, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of respondents.

3. Various cases were registered across the country against the petitioner on the ground that the petitioner had collected deposits from various persons and the same was not repaid back. The petitioner approached the Apex Court by filing WP Crl.341 of 2022 and sought for various reliefs. One such relief that was sought for by the petitioner was clubbing of all the FIRs and to direct a single agency to investigate the case, in order to avoid multiplicity of proceedings. This writ petition was disposed of by the Apex Court by an order dated 06.11.2023 and the relevant portions in the order are extracted hereunder :-

However, as far as prayer 3 sought for by the petitioner is concerned, liberty is reserved to the petitioner to approach each of the Jurisdictional High Courts to seek clubbing of the FIRs pending against the petitioner within that particular state and also seek any other interim or final remedies as are available in law to the petitioner.

Since there are multiple FIRs against the petitioner herein in different states, in the event the trial is commenced in any of the states and as the petitioner is now lodged in one of the jails in chhatisgarh, liberty is reserved to the petitioner to appear in the trial through video conferencing facility, if so permitted.

4. Pursuant to the above directions issued by the Apex Court, the present Criminal Original petition has been filed before this Court seeking for appropriate directions.

5. When the matter was taken up for hearing, the learned Additional Public Prosecutor provided the details of cases that are pending against the petitioner in Tamil Nadu. For proper appreciation, the same is tabulated hereunder :-

HBN Dairies and Allied Ltd				
	EOW Trichy	EOW Madurai	EOW Tirunelveli	EOW Chennai
Cr.No	03/2015, U/S 406, 420 IPC r/w, 120 (B) IPC & 5 of TNPID Act 1997.	09/2015, U/S.406, 420, 120 (B) IPC & 5 of TNPID Act 1997	02/2016, U/s. 406 420 IPC & Sec 5 of TNPID Act	03/2016, U/S 406, 420, 120 (B) IPC & 5 of TNPID Act 1997
Date of Occurrence	From 2008	30.04.2009	02.08.2008	2014 to 2016
DR & Time	17.08.2015 at 17.00 Hrs	04.11.2015 at 17.30 Hrs	01.03.2016 at 10.00 hrs	05.03.2016 at 17.00 Hrs
Total Accused	6	8	9	8
Total default amount	Rs. 1,60,86,897/-	Rs. 1,67,89,631/-	Rs. 1,85,38,586/-	Rs. 4,07,83,737/-
Total depositors	1121	764	534	1429
Name of the court	TNPID Court, Madurai.	TNPID Court, Madurai.	TNPID Court, Madurai.	TNPID Court, Chennai.
Arrest details	A2,A3,A6 not arrest, A4 Absconded, A5 Arrested on 27.01.2016	A7,A8-AB A3,A4,A5,A6 Absconded	A2 to A4, A6-AB Absconding, A5 - Formal Arrest, A9 - Got AB	A6, A7, AB got AB

Total Default Ammount: 9,21,98,851

Total Depositors: 3848

6. It is clear from the above that four cases are now under investigation at Trichy, Madurai, Tirunelveli and Chennai and all these cases are investigated by the EOW belonging to the respective districts. The learned Additional Public Prosecutor submitted that insofar as EOW Trichy, Madurai and Thirunelveli, the Jurisdictional Special Court dealing with TANPID cases falls within the TANPID Court at Madurai. Insofar as EOW, Chennai, is concerned, it comes within the jurisdiction of the TANPID Court at Chennai.

7. Considering the above submission and the nature of grievance that has been expressed by the petitioner and after taking note of the order passed by the Hon'ble Apex Court, this Court is inclined to dispose of this Criminal Original Petition in the following terms :-

(a) There shall be a direction to the EOW at Madurai, Thirunelveli and Chennai to transfer the pending investigation in Crime Nos.9/15, 2/16 and 3/16 respectively to the file of the EOW, Trichy. The EOW, Trichy, shall investigate all these cases apart from investigating the case that is pending in Crime No.3/2015.

(b) The respective case diaries shall reach the EOW, Trichy, within a period of four weeks from the date of receipt of a copy of this order. and

(c) There shall be a direction to the EOW, Trichy, to investigate all these cases effectively and complete the investigation and file a final report as expeditiously as possible.

8. The learned counsel for the petitioner submitted that the petitioner is willing to settle all the amounts to the depositors and that the petitioner is not intending to cheat any depositor. For the present, this Court does not want to issue any directions since the cases that are pending will have to be clubbed and it must reach the EOW, Trichy. Therefore, the present request made by the petitioner can be revived at a later point of time.

14.02.2024

Index : Yes/No
Speaking order:Yes/No
Neutral citation:Yes/No
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To

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The Inspector of Police,
Economic offences Wing II.
Tirunelveli
6. The Public Prosecutor,
High Court, Madras.

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N.ANAND VENKATESH, J
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