



WEB COPY



CRL.R.C.No.460 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.R.C.No.460 of 2024

and

CRL.M.P.No.4435 of 2024

1. M/s.Baby Emu Farms India Private Limited,
1/7-16B, Oor Gounder Theru,
Nangavalli Main Road,
Kunjandiyur - Konur Post,
Mettur Taluk, Salem District.
Represented by its Managing Director,
S.Thangadurai and Director T.Baby

2. S.Thangadurai

3. T.Baby

... Petitioners

Vs.

The State,
Represented by Inspector of Police,
Economic Offences Wing-II,
Salem.

... Respondent



CRL.R.C.No.460 of 2024

PRAYER : Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C., to set aside the order made in Cr.M.P.No.726 of 2023 in C.C.No.23 of 2012 dated 19.02.2024 on the file of the learned Special Judge, Special Court under Tamil Nadu Protection of Interest of Depositor Act, Coimbatore.

For Petitioners : Mr.G.Murugendran
For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case has been filed against the order dated 19.02.2024 passed in Cr.M.P.No.726 of 2023 in C.C.No.23 of 2012 by the learned Special Judge, Special Court under Tamil Nadu Protection of Interest of Depositor Act, Coimbatore.

2. The case of the prosecution is that 2182 depositors entered into an independent agreement with A1-company and deposited more than Rs.29 Crores. However, the amount was not refunded to the depositors.



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Therefore, the complaint was filed against the company and the case was registered under Sections 406, 465, 420, 471 r/w 120(b) of IPC and Section 5 of TNPID Act. After the investigation, final report was filed which revealed that the amounts were received from 2182 depositors and the defaulted amount was calculated to the tune of Rs.29,02,29,000/-. The trial Court took cognizance and the case was assigned as C.C.No.23 of 2012, in which, the petitioners filed Cr.M.P.No.726 of 2023 for examining all the depositors, however, the petition filed by the petitioners was dismissed. Challenging the same, the present petition has been filed by the petitioners.

3. The learned counsel appearing for the petitioners submits that it would suffice, if this Court, without interfering with the order impugned herein, permits the petitioners to file an appropriate petition before the trial Court for compounding the offence for alienating the property by the petitioners and to pay the amount to the depositors. He further submitted that in order to disprove the guilt as against the petitioners, it is necessary to examine all those depositors before the trial Court.



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4. The learned Government Advocate (Crl.Side) submitted that the petitioners swindled more than Rs.29 crores from 2182 depositors and it is impossible to examine each and every depositors and to drag on the proceedings, the petition has been filed.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent Police.

6. It is seen from the records that the petitioners have cheated 2182 depositors to the tune of more than Rs.29 Crores and based on the complaint given by one of the depositors, namely, T.Vignesh Kumar, the respondent Police registered a case in Crime No.542 of 2012 for the offence under Sections 406, 465, 420, 471 r/w 120(b) of IPC and Section 5 of TNPID Act and after completion of investigation, final report was filed and it was taken on file in C.C.No.23 of 2012, in which, the petitioners have filed Cr.M.P.No.726 of 2023 to examine the witnesses namely L.W.156 to



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L.W.2182 and the same was dismissed by the trial Court on the ground that the reasons assigned by the petitioners did not make out the case for examination of all the witnesses and that though the prosecution had examined 155 depositors, the petitioners had chosen to cross-examine only 72 depositors and the remaining 83 depositors have not been cross-examined by the petitioners. Though an opportunity was available to the petitioners to cross-examine 155 depositors, they have not utilised the same and to drag the proceedings, the petitioners have filed the petition in Cr.M.P.No.726 of 2023 in C.C.No.23 of 2012 to examine L.W.156 to L.W.2182 and as contended by the learned Government Advocate (Crl.Side) appearing for the respondent Police, it is impossible to examine each and every witnesses, since 2182 depositors were involved in this case. Hence, this Court is not inclined to interfere with the order dated 19.02.2024 passed in Cr.M.P.No.726 of 2023 in C.C.No.23 of 2012 by the Special Court under TNPID Act, Coimbatore. However, liberty is granted to the petitioners to canvass all defence in the manner known to law.



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7. Accordingly, this Criminal Revision Case is dismissed.

Consequently, connected miscellaneous petition is closed.

30.04.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

1. The learned Special Judge, Special Court
under Tamil Nadu Protection of
Interest of Depositor Act, Coimbatore.
2. The Inspector of Police,
Economic Offences Wing-II,
Salem.



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M.DHANDAPANI,J.

vji

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