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Crl.O.P.No.18819 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

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THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.18819 of 2024

V.C.Maniraj @ Manikandan

....Petitioner

Versus

1.The State Rep By
Deputy Superintendent Of Police,
EOW-II Coimbatore P.S,
In Crime No.1 Of 2013.

2.The Competent Authority
District Revenue Officer, Coimbatore.

....Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the Crl.M.P. Filing SR No.1793 of 2024 lower court for numbering the petition returned by the Special Judge for TNPID ACT CASES at Coimbatore Court.

For Petitioner : Mr.N.Ranjith

For Respondents : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed by the accused with an oblique motive to drag the criminal prosecution pending against him for



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the past 11 years. It is a case of serious fraud committed under TNPID Act and the petitioner been charged for offence under Sections 406, 420 & 120(B) IPC and the provisions of TNPID Act.

2. After examining the 1071 witnesses, when the matter is posted for arguments, an application has been filed under Section 320 Cr.P.C., stating that the petitioner is ready to compound the offence by disbursing the sale proceeds of the property which is in the custody of the competent authority i.e., DRO, Coimbatore. The trial Court had returned the application filed under Section 5(A) of TNPID Act r/w 320 Cr.P.C., with an endorsement 'how the petition is maintainable'. Without representing the application explaining the query regarding maintainability, the accused is before this Court invoking Section 482 Cr.P.C.

Section 5A of TNPID Act, 1997 reads as below:-

“5A.Compounding of offence:- (1) An offence punishable under Section 5 may, before the institution of the prosecution, be compounded by the Competent authority or after the institution of the prosecution, be compounded by the Competent authority with



the permission of the Special Court, on payment of the entire amount due to the depositors with or without interest.

(2) Where an offence has been compounded under sub-Section (1), no proceeding or further proceeding, as the case may be, shall be taken or continued against the offender, in respect of the offence so compounded and the offender, if in custody, shall be discharged forthwith.”

3. The reading of the Section make it very clear that after institution of the prosecution, compounding the offence by the competent authority can be done only with the permission of the Special Court on payment of the entire amount due to the depositors with or without interest. In this case, the entire amount payable in principal exceeds Rs.40 Crores. Whereas, in the application seeking compound invoking Section 5(A) of TNPID Act, the accused has not explained how he is going to pay the entire amount with or without interest. For the said reason precisely the trial Court has returned the petition as pointed out earlier but without representing it with necessary particulars, the present petition is filed under Section 482 of Cr.P.C.



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4. This Court finds no reason to interfere with the docket order of the Special Court. The trial Court has rightly returned the application which was filed with bereft of necessary details required to maintain an application under Section 5(A) of TNPID Act. Hence this Criminal Original Petition is dismissed.

06.08.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

1.The Special Judge for TNPID ACT CASES, Coimbatore Court.

2.Deputy Superintendent Of Police,
EOW-II Coimbatore P.S

3.The Competent Authority
District Revenue Officer, Coimbatore.

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

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