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Crl.R.C.No.1540 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1540 of 2024

S.Venkatrenga Gupta

... Petitioner

Versus

State Represented by
Inspector of Police,
Economic Offences Wing,
Chennai.

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 of Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order dated 05.08.2024 passed in Crl.M.P.No.1891 of 2024 in Crime No.11 of 2024 by the Special Court under TNPID Act (FAC), Chennai. VIII Additional Special Judge for CBI Cases, Chennai and allow the same.

For Petitioner : Mr.Prakash Gokalaney

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed seeking to set aside the order dated 05.08.2024 passed in Crl.M.P.No.1891 of 2024 in Crime No.11 of 2024 by the Special Court under TNPID Act (FAC) of VIII Additional



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Special Judge for CBI Cases, Chennai.

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2.The petitioner/A12 in Crime No.11 of 2024 was arrested and remanded to judicial custody. The petitioner filed a petition in Crl.M.P.No.1891 of 2024 under Rule 226 of Tamil Nadu Prison Manual seeking direction to the Superintendent of Central Prison-II, Puzhal to grant “A” class facility to the petitioner. The Lower Court, by order dated 05.08.2024, dismissed the petition, against which, the present revision has been filed.

3.The contention of the learned counsel for petitioner is that petitioner is a qualified graduate in Mathematics from Bharathidasan University and an Income Tax assessee and a person with a high social status enjoyed and accustomed to a very superior mode of living. He is also continuously involved in study and research in his own field. Further he is Chairman and Director of many reputed companies and is accustomed to a high social standard of living. Hence, as per Rules 815 and 226 of Tamil Nadu Prison Manual he is entitled to be classified as prisoner in Class “A”. The petitioner also produced his degree certificate, Income Tax returns, Aadhar card and other details. But the Lower Court failed to consider the same and dismissed



the petition.

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4.The learned Additional Public Prosecutor submitted that in this case the petitioner was convicted for offence under Sections 120-B, 409, 420 of I.P.C. r/w. Section 5 of TNPID Act r/w. Sections 21(1), 21(2), 21(3) and 23 of BUDS Act. The petitioner and other accused have misappropriated, cheated several depositors for more than Rs.117 Crores and cheated 202 victims as on date. In this case investigation is in progress. Hence, the petitioner is not entitled for special status, which the Lower Court rightly observed and dismissed the petition. He further submitted that the petitioner is involved in yet another case investigated by Central Crime Branch in Crime No.56 of 2024.

5.Considering the submissions made and on perusal of the materials, it is seen that petitioner is a graduate, Income Tax assessee, which is not in dispute. His educational certificate produced before this Court. As per Rule 815 of Tamil Nadu Prison Manual, the requirement to classify a person as special class is to consider his education, habit of life and accustomed to superior mode of living. In this case, the petitioner is a qualified graduate from Bharathidasan University and Income Tax assessee for many years and



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as such the petitioner satisfied the qualification condition.

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6.In view of the same, the impugned order dated 05.08.2024 passed in Crl.M.P.No.1891 of 2024 in Crime No.11 of 2024 by the Special Court under TNPID Act (FAC) of VIII Additional Special Judge for CBI Cases, Chennai is set aside and the petitioner to be given special status of Class “A” prisoner. Accordingly, the Criminal Revision Case is allowed.

13.09.2024

Index : Yes/No
Internet : Yes/No
Speaking order / Non-speaking order
Neutral Citation : Yes/No
rsi

Note: Issue order copy on 13.09.2024.



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To

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- 1.The Inspector of Police,
Economic Offences Wing,
Chennai.
- 2.The VIII Additional Special Judge for CBI Cases, Chennai
Special Court under TNPID Act (FAC) of Principal Special Judge
for CBI Cases, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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