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C.M.A.Nos.2372 of 2023, 117 and 121 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

|               |            |
|---------------|------------|
| Reserved on   | 22.03.2024 |
| Pronounced on | 28.03.2024 |

C O R A M

THE HON'BLE MR. JUSTICE **KRISHNAN RAMASAMY**

**C.M.A.Nos.2372 of 2023, 117 and 121 of 2024**

**and**

**C.M.P.Nos.22443 of 2023, 1033 and 1036 of 2024**

M/s.Aalam Gold & Diamond Private Limited,  
Rep by its Director,  
Mr.S.Saravana Kumar,  
Regus, Amarasi Building,  
Old No.313, New No.455,  
Block No.75, 7<sup>th</sup> Floor,  
Anna Salai, Teynampet,  
Chennai 600 018.

...Appellant in all the appeals

Vs

1.The State of Tamil Nadu,  
Rep by P.Vedarathinam,  
Superintendent of Police,  
Cyber Arangam, IIT Research Park,  
Chennai, Deputation to V& AC  
Chennai on OD Basis.

2.M/s.KCP Infra Limited,



*C.M.A.Nos.2372 of 2023, 117 and 121 of 2024*

Formerly known as KCP Engineers Pvt Ltd.,  
Rep by its Director,  
Mr.K.Muthukumarasamy,  
8A, 9A, Pricol Caledron Square Building,  
Peelamedu, Avinashi Road,  
Coimbatore.

... Respondents in CMA.No.2372 of 2023

1.State Rep by,  
The Superintendent of Police,  
Special Investigation Cell,  
Directorate of Vigilance and Anti-Corruption,  
Chennai 16

2.M/s.KCP Infra Limited,  
Formerly known as KCP Engineers Pvt Ltd.,  
7A, 8A, 9A, Pricol Caledron Square Building,  
Peelamedu, Avinashi Road,  
Coimbatore.

... Respondents in CMA.Nos.117 & 121 of 2024

**Prayer in CMA.No.2372 of 2023:**

Civil Miscellaneous Appeal filed under Section 11 of Criminal Law (Amendment) Ordinance, 1944, to allow the civil miscellaneous appeal by setting aside the order dated 28.07.2023 in CrI.M.P.No.10 of 2022 in Crime No.16 of 2021 on the file of the Special Court for the cases under Prevention of Corruption Act, Chennai.

**Prayer in CMA.Nos.117 & 121 of 2024:**



C.M.A.Nos.2372 of 2023, 117 and 121 of 2024

Civil Miscellaneous Appeal filed under Section 11 of Criminal Law (Amendment) Ordinance, 1944, to allow the civil miscellaneous appeal by setting aside the order dated 26.07.2023 in CrI.M.P.Nos.744 & 745 of 2023 in CrI.M.P.No.10 of 2022 in Crime No.16/AC/2021/SIC, on the file of the Special Court for the cases under Prevention of Corruption Act, Chennai.

For Appellant  
in all the appeals : Mr.John Sathyan, Senior counsel  
Represented by Mr.P.Divakar

For R1  
in all appeals : Mr.P.S.Raman, Advocate General  
Assisted by Mr.Edwin Prabakaran,  
State Government Pleader,  
Ms.R.Anitha,  
Special Government Pleader,  
Mr.R.Muniyapparaj,  
Additional Public Prosecutor and  
Mr.R.Siddharth, Government Advocate

For R2  
in all appeals : Mr.D.Ganesh Raj

### **COMMON JUDGMENT**

The appeal in CMA.No.2372 of 2023 was filed against the order dated 28.07.2023 in CrI.M.P.No.10 of 2022 in Crime No.16 of 2021.



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2. The appeals in CMA.Nos.117 and 121 of 2024 was filed against the order dated 26.07.2023 in CrI.M.P.Nos.744 & 745 of 2023 in CrI.M.P.No.10 of 2022 respectively.

3. The learned Advocate General appearing for the 1<sup>st</sup> respondent would submit that the appellant-M/s.Aalam Gold and Diamond Private Limited was arrayed as A15 in the FIR, which was registered in Crime No.16 of 2021.

4. After investigation, the 1<sup>st</sup> respondent came to know that the appellant-Company had not involved in any of the allegations mentioned in the FIR and hence, the appellant-Company was removed from the charge sheet dated 01.03.2023. Therefore, the learned Advocate General would submit that since the appellant-Company was removed from the charge sheet, the present appeals become infructuous.

5. By recording the above submissions made by the learned Advocate General appearing for the 1<sup>st</sup> respondent, these appeals are dismissed as infructuous. No cost. Consequently, the connected miscellaneous petitions are also closed.



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**28.03.2024**

Index: Yes/No  
Internet: Yes/No  
Speaking order/Non-speaking order  
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*C.M.A.Nos.2372 of 2023, 117 and 121 of 2024*

**KRISHNAN RAMASAMY,J.**

nsa

**C.M.A.Nos.2372 of 2023, 117 and 121 of 2024**  
**& C.M.P.Nos.22443 of 2023, 1033 and 1036 of 2024**

**28.03.2024**  
**(1/2)**