



Crl.R.C. Nos. 2367, 2382, 2384 & 2385 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2024

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRIMINAL REVISION CASE Nos. 2367, 2382, 2384 & 2385 of 2024

&

Crl.M.P. Nos. 18348 & 18407 of 2024

S. Srividhya

..Petitioner in
Crl.R.C.Nos.2367 & 2382
of 2024

R. Subramanian

..Petitioner in
Crl.R.C.Nos.2384 & 2385
of 2024

Vs.

State represented by
The Deputy Superintendent of Police,
EOW-II, Guindy, Chennai – 600 032.

..Respondent in all Crl.
Revision Cases

Prayer in Crl.R.C. Nos. 2367, 2382, 2384 & 2385 of 2024: Criminal
Revision Cases under Section 397 r/w 401 Cr.P.C. to set aside the orders
dated 05.12.2024 and 13.11.2024 passed by the Special Court for TNPID



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Act, Chennai in Memo SR Nos. 3299 of 2024 (Crl.R.C. No. 2367 of 2024),
2947 of 2024 (Crl.R.C. Nos. 2382 & 2384 of 2024) and 3297 of 2024
(Crl.R.C. No. 2385 of 2024) in C.C. No. 6 of 2020.

For Petitioners
in Crl.R.C. Nos.
2367 & 2382 of
2024

:: Ms.M.K. Kanimozhi

For Petitioners in
Crl.R.C. Nos.2384
& 2385 of 2024

:: Mr.R. Subramanian
party in person

For Respondent

:: Mr.E. Rajthilak,
Addl. Public Prosecutor

COMMON ORDER

The criminal revision cases challenge the dismissal of the memos filed by the respective petitioners praying that the amount deposited to the credit of C.C. No. 6 of 2020 pursuant to the directions of this Court in Crl.M.P. Nos. 18650, 18887, 18955 of 2023, 1225, 2693, 1071 & 9760 of 2024 in Crl. A. No. 1365, 1413, 1429, 1430 of 2024, 112 & 118 of 2024 cannot be disbursed to the competent authority since deposits have been made subject to the result of the appeals and further, the direction of this



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Court is to the Special Judge to distribute the deposited amounts and not to hand it over to the competent authority to distribute the amount.

2. This Court, in Crl.M.P. Nos. 18650, 18887, 18955 of 2023, 1225, 2693, 1071 & 9760 of 2024 in Crl. A. No. 1365, 1413, 1429, 1430 of 2024, 112 & 118 of 2024, had directed the petitioners therein to deposit the following amounts:

<i>Name of the appellant/accused No.</i>	<i>Amt. Of fine ordered by the trial Court</i>	<i>Amount to be deposited by the accused/appellant herein</i>
R. Subramanian (A-4)	Rs.8,92,60,000/-	Rs.3,00,00,000/- (Rupees Three Crores only)
A. Srimathi (A-9)	Rs.6,69,90,000/-	Rs.20,00,000/- (Rupees twenty lakhs only)
P. Ram Mohan (A-13)	Rs.15,63,10,000/-	Rs.3,00,00,000/- (Rupees Three Crores only)
R. Ganesh (A-14)	Rs.8,93,20,000/-	Rs.2,00,00,000/- (Rupees Two Crores only)
S. Srividhya (A-15)	Rs.2,23,30,000/-	Rs. 75,00,000/- (Rupees Seventy Five Lakhs only)
P. Sadanand (A-32)	Rs.8,93,20,000/-	Rs.2,00,00,000/- (Rupees Two crores only)

Accused Nos. 4 and 15 are the petitioners in the above revisions.



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3. This Court, in paragraph No. 33 of the order dated 19.07.2024 in the aforesaid Crl.M.Ps, under clause (v) has observed as follows:

'.....(v) The learned Special Judge is directed to take steps to disburse the amount so deposited by the accused/appellants herein in appropriate proportion amongst the depositors on the basis of the deposits made by each of the depositor by arriving at the proportional amount after proper verification of deposit receipts and under due acknowledgment.'

4. The petitioners filed memos before the learned Special Judge stating that the order dated 19.07.2024 directed the Special Judge to disburse the amount deposited amongst the depositors after proper verification of the deposit receipts and that Special Judge cannot transfer the deposit to the competent authority for distribution to the depositors. The memos were filed on the following grounds, namely,

(i) that the deposits have been made subject to the result of the appeals and



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(ii) that the Trial Court had only recognised 82 depositors whereas the claim has been made before the competent authority by more than 500 depositors.

(iii) that if the money is transferred to the competent authority, it would violate the order passed by this Court.

5. The learned Special Judge dismissed the said memos on the ground that the distribution to the depositors has so far been made only through the competent authority and therefore, the order of this Court has to be understood in such a way that this Court had directed the Special Court to take steps for distribution of amount through the competent authority.

6. The petitioner in Crl.R.C. Nos. 2384 & 2385 of 2024, appearing as party in person and the learned counsel for the petitioner in Crl.R.C. Nos. 2367 & 2382 of 2024 would submit that the order of the learned Special Judge is in violation of the order passed by this Court since the Trial Court had recognised only 82 depositors and not 500 and odd depositors, who have claimed return of money. They also relied on the



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observations made by the Hon'ble Supreme Court in the order dated 13.12.2024 in Special Leave Petition (Criminal) Diary No. 51667 of 2024, which was filed by depositors' association challenging the order granting suspension of sentence. The relevant paragraph reads as follows:

...'However, we request the High Court to take up the appeal(s) for hearing expeditiously as payment to the depositors are dependent upon the decision in the appeal(s). It will be open to the petitioner, Viswapriya Investors Welfare Association, to file an application for release of the deposits made by the respondents.'

Hence, they submitted that the deposits cannot be distributed pending disposal of the appeals.

7. Per contra, Mr.E. Rajthilak, learned Additional Public Prosecutor submitted the claim that only 82 depositors were recognised by the Trial Court is not correct; that the Trial Court in judgment convicting the petitioners had recognised that there are more than 500 depositors and had directed the Investigating Officer to prepare the list of depositors and furnish the same to the competent authority to disburse the amount realised by the competent authority to the depositors concerned; and that this Court,



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by order dated 19.07.2024 in Crl.M.P. Nos.18650, 18887, 18955 of 2023, 1225, 2693, 1071 & 9760 of 2024 in Crl. A. No. 1365, 1413, 1429, 1430 of 2024, 112 & 118 of 2024 had made it clear that all the depositors must be paid out of the amounts deposited by the petitioners therein and hence, the payment need not be restricted to 82 depositors mentioned by the Trial Court.

8. Heard the submissions made on either side.

9. As stated earlier, this Court had directed the petitioners in Crl.M.P. Nos. 18650, 18887, 18955 of 2023, 1225, 2693, 1071 & 9760 of 2024 in Crl. A. No. 1365, 1413, 1429, 1430 of 2024, 112 & 118 of 2024 to make deposits and had also directed the Special Court to disburse the deposited amount to the depositors. The Special Court had observed that the distribution has to be made through the competent authority as he is the person competent to distribute the deposited amount and hence transferred the amount deposited to the account of the competent authority. As stated earlier, the main objection of the petitioners is that the Trial Court had



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recognised 82 depositors, which is not so, as could be seen from the observations made by the Trial Court in paragraph that it had recognised that there are more than 500 depositors and money has to be distributed to them. The relevant portion of the Trial Court's judgment reads as follows:

'The AI Vishwapriya also admitted in the written argument filed on 15.11.2023 in Para 1 to 30 that the AIViswapriya India Ltd has no objection to claim money from AIViswapriya India Ltd. before Competent authority / DRO by the 587 depositors in this case and also other depositors who are under the further investigation.

Hence this Court come to the conclusion that though the deposit certificates cannot be taken into account for proving charges, the complaints given by 502 depositors can be taken for count for getting deposit amount from Competent Authority / DRO.'

10. Though this Court had directed the Special Court to distribute the money, this Court is of the view that it is for the Special Court to decide as to how this amount has to be distributed and the course adopted by the Special Court cannot be faulted. That apart, the Hon'ble Supreme Court, in a



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challenge made by the Depositors' Association as against the order passed by this Court in Crl.M.P. Nos. 18650, 18887, 18955 of 2023, 1225, 2693, 1071 & 9760 of 2024 in Crl. A. No. 1365, 1413, 1429, 1430 of 2024, 112 & 118 of 2024, which is extracted above, had observed that it will be open to the Association to file an application for release of the deposits made by the respondents, though the Hon'ble Apex Court had held that the return of deposits would be subject to the outcome of the appeals.

11. Therefore, the return of deposits to the depositors cannot be stalled in any manner. The learned Special Judge is right in holding that the order of this Court has to be understood as distribution of money to all the depositors through the competent authority. Hence, all the revisions are dismissed as devoid of merits. It is made clear that if any attempt is made by the petitioners to prevent the distribution of money to the depositors, the same would be viewed seriously and the Special Court will be at liberty to cancel the bail granted by this Court by treating the bail order of this Court as one passed by the Special Court itself. Connected miscellaneous petitions are closed.



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21.12.2024

SUNDER MOHAN,J.

nv

To

1. The Special Court for TNPID cases,
Chennai.
2. The Deputy Superintendent of Police,
EOW-II, Guindy, Chennai – 600 032.
3. The Public Prosecutor,
High Court, Madras.

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2385 of 2024

21.12.2024

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