



Crl.R.C.(MD) No.85 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

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1.Parthiban

2.Suganthadevi

...Petitioners/

Accused 2 & 3

Vs.

1. The State represented by its
The Deputy Superintendent of Police,
EOW, Thanjavur District.

2.The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
Crime No.211/2019.

...Respondents

PRAYER : Criminal Revision Case has been filed under Section 397
r/w 401 of Criminal Procedure Code, to set aside the order passed in
Cr.M.P.No.543/2023 dated 11.01.2024 on the file of the learned
Special Court under TNPID Act Cases, Madurai.

For Petitioners : Mr.T.A.Ebenezer



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For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed against the impugned order dated 11.01.2024 in Cr.M.P.No.543 of 2023 on the file of the Special Court under TNPID Act Cases, Madurai.

2. Learned counsel for the revision petitioners submits that the petitioners are husband and wife and had been running three financial institutions viz., (i) Sangamam Chits Funds, (ii) Sangamam Benefit Funds and (iii) Sangamam Trading Finance, out of which, Sangamam Chit Funds became bankrupt. In this regard, proceedings were pending before the National Company Law Tribunal in IBA/211/2019 and IRP was appointed to settle the debts. Meanwhile, one Josephsamy, who is one of the investors of Sangamam Chit Funds, filed a complaint stating that the petitioners have defaulted to repay a sum of Rs.55,000/- and thereby FIR was registered. However, the said Josephsamy has filed his claim form through IPR also.



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3. The grievance of the petitioners is that if at all, the respondent police wants to take action against the said complaint, they should have registered the FIR only as against Sangamam Chit Funds and not against Sangamam Benefit Funds. He further submitted that the petitioners were arrested on 16.05.2023 and they were released on bail by the learned Judge, TNPID Court vide order dated 28.06.2023 in Cr.M.P.No.188 of 2023 and they are abiding the conditions imposed on them till date. In the mean time, the petitioners have relocated their residence from Thanjavur to Trichy. However, the learned Judge, TNPID Court without serving notice to the petitioners, cancelled the bail by order dated 11.01.2024. Learned counsel for the petitioners submitted that the petitioners are ready to appear before the first respondent and willing to abide by any conditions imposed by this Court and hence, prayed to allow the present revision case.

4. Per contra, learned Additional Public Prosecutor submits that the petitioner along with others who were running financial institutions have collected deposits and swindled a huge sum from the depositors. The petitioners/accused have complied with the conditions from 01.08.2023



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regularly and thereafter, accused No.3 did not cooperate with the investigating agency on service of summon. Learned Additional Public Prosecutor submits that the petitioners/accused are also required to be present for other ancillary proceedings and if any of the conditions are relaxed, the progress of the investigation would be affected and hence, prays to dismiss the revision.

5. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent police.

6. Considering the circumstances of the case and taking note of the fact that the petitioners/accused are ready to appear before the first respondent / the Deputy Superintendent of Police, EOW, Thanjavur District, without going into the merits of the matter, this Court directs the petitioners to appear before the first respondent / the Deputy Superintendent of Police, EOW, Thanjavur District, daily at 10.30 a.m. for further proceedings.



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7. With the above direction, this criminal revision stands disposed

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of.

02.02.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes / No

PKN

To

1. The State represented by its
The Deputy Superintendent of Police,
EOW, Thanjavur District.
2. The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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VIVEK KUMAR SINGH, J.

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