



Crl.O.P.(MD)No.3181 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.12.2024**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.3181 of 2023
and Crl.M.P.(MD) No.2917 of 2023

G.Ramdoss

... Petitioner

Vs.

The State rep. by,
The Deputy Superintendent of Police,
Economic Offences Wing-II,
Anna Nagar,
Madurai District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the docket order passed by the Special court under the Tamilnadu Protection of Interest of Depositors (In Financial Establishment) dated 02.02.2023 in C.C.No.11 of 2013 and set aside the same as illegal.

For Petitioner : Mr.M.Muthu Vignesh
for M/s.A.P.N.Law Associates

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

This petition has been filed challenging the docket order passed by the Special Court dated 02.02.2023 wherein, the Court proceeded to decide C.C.No.11 of 2013 independently without clubbing along with C.C.No.24 of 2013.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

3.This petition was filed by A5 mainly relying upon the order passed by this Court in Crl.O.P.(MD) No.250 of 2017 wherein this Court based on the petition filed by one Palanichamy, issued the following direction:

“10.Considering the arguments of the learned counsel for the revision petitioner and the fact that the accused are same in both the cases and the alleged offences are same, the learned Special Judge for TNPID Act Case, Madurai is



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directed to club the cases. The final report in Crime No.2 of 2011 filed by the Economic Offence Wing-II, Dindigul taken cognizance by the learned Special Judge for TNPID Act Cases, Dindugal, in C.C.No.24 of 2013 shall be clubbed with the final report in Crime No.6 of 2010 filed by the Economic Offence Wing-II, Madurai taken cognizance by the learned Special Judge for TNPID Act Case, Madurai in C.C.No.11 of 2013. After examination of the witnesses in C.C.No.11 of 2013, the list of witnesses mentioned in C.C.No.24 of 2013 is to be continued and clubbed with the list of witnesses in C.C.No.11 of 2013. Thereby, by a single case, the accused can be tried and the properties in both the districts, if acquired by the accused can be attached by appropriate order by the learned Special Judge for TNPID Act Cases, Madurai.

In the result, this Criminal Revision Petition is allowed. The two charge sheets pending in C.C.No.24 of 2013 on the file of the E.O.W – II, Dindugal and C.C.No.11 of 2013 on the file of the E.O.W – II, Madurai is directed to be clubbed by the learned Special Judge, Special Court under TNPID Act at Madurai.”



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4.Pursuant to the above order, yet another petition came to be filed in Crl.O.P.(MD) No.18760 of 2022 filed by one of the depositors. At this time, the earlier order passed was brought to the notice of the learned Single Judge. Taking note of the same, the learned Single Judge passed an order on 25.11.2022 in the following terms:

“4. The Special Judge of TNPID Court, Madurai in her remarks had stated that the prosecution side witnesses in C.C. No.11 of 2013 including the Investigation Officer is over. Since the other case in C.C. No.24 of 2013 records had been sent to the Hon'ble Supreme Court it will cause delay for disposal. It is to be noted that Crl.R.C(MD) No.250 of 2017 was moved by the accused K.S.Palanichamy. As the Petitioner seeking clubbing of both the cases in C.C. No.11 of 2013 and C.C. No. 24 of 2013, at that time this Court had ordered to club both the cases and issued directions to proceed with the examination of witnesses in the earlier case (C.C. No.11 of 2013) After completion of evidence in C.C. No.11 of 2013 the Court can proceed with the case in C.C.No.24 of 2013.

5. In the light of the change of circumstances, that the prosecution had completed examination of witnesses in C.C.



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No.11 of 2013, the Special Judge of TNPID Court, Madurai is directed to hear arguments and proceed with the disposal of the case.”

5.The above order was put to challenge before the Apex Court in Special Leave Petition (Criminal) Diary No.39770 of 2022. This Special Leave Petition came to be dismissed by an order dated 16.01.2023.

6.In the light of the above development, the Special Court was perfectly right in coming to a conclusion that C.C.No.11 of 2013 will be independently dealt with and proceeded further in accordance with law. For proper appreciation, the order passed by the Court below on 02.02.2023 is extracted hereunder:

“02.02.2023: A1 company, A2, and A5 Present, Records perused. As per the police record in this case A1 to A5 are only accused in this case. Originally it was clubbed with C.C. No. 24/2013 on the filed of this court. Later as per the order of Honourable Madurai Bench of Madras High Court in Crl.OP(MDP No. 18760/2022 dated 25.11.2022, this court



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was directed to proceed with C.C. 11/2013 only. In C.C. 11/2013 there is no accused as A6. A1 to A5 examined u/s 313(1) (b) Cr.P.C. They denied as false evident and also stated as they are having defence witnesses and it is recorded. Sec 91 and Sec. 311 Cr.P.C. petitions are pending. Call on 13.02.2023.”

7.This Court does not find any ground to interfere with the docket order dated 02.02.2023 and this Court finds that the same is perfectly in line with the earlier order passed by this Court. Accordingly, this Criminal Original Petition stands dismissed and there shall be a direction to the Court below to complete the proceedings in C.C.No.11 of 2013 within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

02.12.2024

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

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To
1.The Deputy Superintendent of Police,
Economic Offences Wing-II,
Anna Nagar,
Madurai District.

2.The Additional Public Prosecutor
Madurai Bench of Madras High Court.



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N.ANAND VENKATESH,J.

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Dated: 02.12.2024
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