



1 *Crl.O.P.(MD) No.12898 of 2020*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD). No.12898 of 2020

and

Crl.M.P(MD). Nos.5880 and 5881 of 2020

1. S.Revathi

2. J.Panneer @ Paneer Selvam

... Petitioners/Accused No.20 and 21

Vs.

1. The Inspector of Police,

Economic Offences Wing,

Dindigul District.

... 1st Respondent/Complainant

2. Nanthinidevi,

Managing Trustee,

Roots Trust,

6/266, Kaasampatti Post,

Natham Taluk,

Dindigul District.

... 2nd Respondent/Defacto Complainant



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PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the Charge Sheet in C.C.No.4 of 2020 on the file of the Hon'ble Special Court for TANPID Cases, Madurai and quash the same in so far as these Petitioners/A 20 and A21 is concerned.

For Petitioners : Mr.M.Shakul Hameed

For Respondents : Mr.M.Muthumanikkam,
Government Advocate(Crl.Side)
for R1

ORDER

This petition has been filed to quash the proceedings in C.C.No.4 of 2020 on the file of the learned Special Court for TNPID Cases, Madurai, in so far as these petitioners are concerned.

2.The case of the prosecution is that the petitioners and others accused said to have collected a sum of Rs.16,25,000/-, from 650 women, through the second respondent/defacto complainant, by promising them to construct houses and hand over the same to them. In spite of repeated demands made by the second respondent, A3 and A4



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had issued 3 cheques to the second respondent/defacto complainant bearing Nos.406075, 406076 and 406077 drawn on State Bank of India, Nattham Branch. While, the presented the said cheques for payment, the same was returned with an endorsement as “insufficient funds” in the account of A3 and others. Thereafter, the second respondent gave a complaint, for which, the first respondent Police registered a case in Crime No.1 of 2019 for the offence under Section 120(B), 406, 420 and 506(i) of IPC and 5 of TNPID Act. Thereafter, the first respondent filed a final report and the same was taken on file in C.C.No.4 of 2020 by the learned Special Court for TNPID Act cases, Madurai. Challenging the same, the present criminal original petition has been filed.

3.Today, when the matter was taken up for hearing, even though there are some arguable points in this petition, the learned counsel for the petitioners seek permission of this Court to raise all the points before the trial Court at the time of trial. He further requested this Court to dispense with the appearance of the petitioners before the trial Court during trial. He also submitted that since this case is pending from 2020 onwards, this Court may issue a direction to the trial Court to dispose the case within a time frame.



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4.This Court is inclined to accept the request of the learned counsel for the petitioners. Hence, this petition is disposed of with the following directions:

1. The Special Court for TNPID Cases, Madurai, is hereby directed to dispose the case in C.C.No.4 of 2020 within a period of six months from the date of receipt of a copy of this order.
2. The petitioners are directed to raise all the points before the trial Court.
3. The appearance of the petitioners is dispensed with before the trial Court on all hearing dates except the following hearings:
 - (i) The date of furnishing copies under Section 207 Cr.P.C, and initial questioning to answer the charges;
 - (ii) The date of questioning under Section 313 Cr.P.C;
 - (iii) On the date of Judgement.

3.1. The petitioners are directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates.



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3.2. The petitioners shall not dispute the identity of the witnesses.

3.3. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification.

3.4. If the petitioners adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India in *State of Uttar Pradesh Vs. Shambunath Singh*, reported in *2001 (4) SCC 667*.

Consequently, connected miscellaneous petitions are closed.

24.01.2024

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



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To

1. The Special Judge for TANPID Cases,
Madurai.
2. The Inspector of Police,
Economic Offences Wing,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

vsg

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