



1 *Crl.O.P.(MD) No.13164 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.13164 of 2020

and

Crl.M.P(MD). Nos.6024 and 6025 of 2020

Sobirajan

... Petitioner/Accused No.17

Vs.

1. The Inspector of Police,
Economic Offences Wing,
Dindigul District.
Crime No.1/2019

... 1st Respondent/Complainant

2. Nanthinidevi,
Managing Trustee,
Roots Trust,
6/266, Kaasampatti Post,
Natham Taluk,
Dindigul District.

... 2nd Respondent/Defacto Complainant

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



2 *Crl.O.P.(MD) No.13164 of 2020*

of 2020 on the file of the Hon'ble Special Court for TNPID Cases, Madurai and quash the same in so far as these Petitioner/A 17 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 this petitioner is concerned.

2.The case of the prosecution is that the petitioner 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 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



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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 petitioner seeks 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 petitioner 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.

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



following directions:

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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 petitioner is directed to raise all the points before the trial Court.
3. The appearance of the petitioner 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 petitioner is directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates.
- 3.2.** The petitioner shall not dispute the identity of the witnesses.
- 3.3.** The petitioner shall appear before the Court in the event his presence is insisted by the trial judge for the purpose of



identification.

3.4. If the petitioner adopt any dilatorial tactics, it is open to the Trial Court to insist for his appearance and deal with the petitioner 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

To

1. The Special Judge for TNPID 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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and
Crl.M.P(MD). Nos.6024 and 6025 of 2020

24.01.2024

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