



Cr1.A(MD)No.523 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24/09/2024

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THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Cr1.A(MD)No.523 of 2018

1.N.Thankiah
2.R.Padmanaban Nadar
3.N.Mohan : Appellants/PW14, PW16 & PW17

Vs.

1.The State of Tamil Nadu
Rep. by Inspector of Police,
Economic Offence Wing-2,
Nagercoil,
Kanyakumari District : 1st Respondent/Complainant

2.SVS Bankers
3.Vijaya Nirmala
4.Sasikumar : Respondents 2 to 4/Accused

Prayer: This Criminal Appeal is filed under Section 374 of the Criminal Procedure Code, against the judgment in CC No.93 of 2008, dated 29/03/2012 passed by the Special Judge for TNPID Act cases, Madurai.

For Appellants : Mr.G.Karuppusamy Pandian

For 1st Respondent : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)

For R2 to R4 : Mr.T.Lajapathi Roy
Senior Counsel
for M/s.T.Seeni Syed Amma



J U D G M E N T

This Criminal Appeal has been filed seeking an order to set aside the judgment passed by the Special Judge for TNPID Act cases, Madurai, in CC No.93 of 2008, dated 29/03/2012.

2.The facts in brief:-

A1 is the Financial Establishment called 'S.V.S Bankers' situated in Ananthamangalam, Painkukam, Kanyakumari District. A2 and 3 are the persons who are responsible for the management of the affairs of the above said Establishment. They collected deposits from 17 depositors to the tune of Rs.51,63,825/- during the period between 1996 and 2005. But that amount was used by the accused persons for their own use, thereby committed criminal breach and also cheated the depositors. On the basis of the above said, a case was registered in Crime No.12 of 2005 for the offences punishable under [sections 406, 420 r/w 120\(B\) IPC and section 5](#) of the TNPPDL Act. After completing the formalities of investigation, charge sheet was filed before the trial court and it was taken as CC No.93 of 2008.



3.Before the trial court, on the side of the prosecution, 18 witnesses were examined, 8 documents were marked. On the side of the accused, no oral and documentary evidence was adduced.

4.The trial court, after considering the oral and documents evidence available on record, came to the conclusion that the charges framed against accused persons have not been proved beyond reasonable doubt and accordingly, acquitted them.

5.Now challenging the above said acquittal judgment, the appellants, who are PW14, PW16 and PW17 are before this court by way of filing this criminal appeal.

6.Pending the criminal appeal, compromise was reached between the respondents 2 to 4/Accused and the appellants herein. A joint memo of compromise was filed, which has been duly signed by the appellants and the respondents 3 and 4 and also by their respective counsels.

7.Today the appellants 1 and 2 and 4th respondent appeared before this Court along with their counsels and



also produced their Aadhar cards. They were also identified by the learned Additional Public Prosecutor and the Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise. Hence, the Compromise Memo is recorded.

8.It is submitted by the learned counsel appearing for the appellants that the third appellant N.Mohan is affected by paralysis and bedridden condition, so he is represented by Mr.Rajesh, who is his son. He is also present before this court and stated that his father is affected by paralysis and he is not in a position to appear before this court. He admits the terms and condition entered and agreed to receive the settlement amount. The remaining amount of Rs.2,00,000/- deposited with the Trial court may be permitted to be withdrawn by the third appellant through his son namely Rajesh, after completing the official formalities. The balance amount has to be taken by the 4th respondent herein namely Sisikumar. To that effect, the above said compromise memo is recorded, since all the parties, except the above said person namely the third appellant herein are present in person.



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9. Recording the above said, this criminal appeal is **disposed of**. The joint compromise memo, dated 13/09/2024 shall form part of this order.

24/09/2024

Index : Yes/No
Internet : Yes/No
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To,

1. The Special Court for TNPID Act cases,
Madurai.
- 2.1. The Inspector of Police,
Economic Offence Wing-2,
Nagercoil, Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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