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CrI.R.C.No.980 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.R.C.No.980 of 2025
and
CrI.M.P.No.13123 of 2025

1.M/s.Baby EMU Farms India (P) Ltd.,
Rep. by its Managing Director,
S.Thangadurai.

2. S.Thangadurai

..... Petitioners

Vs

State, rep. by
Inspector of Police,
Economic Offences Wing-II,
Salem District.

..... Respondent

Prayer: Criminal Revision is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the order passed in CrI.M.P.no.162 of 2025 in C.C.No.23 of 2012 dated 30.06.2025 on the file of the learned Special Judge, Special Court under TNPID Act, Coimbatore.

For Petitioners : Mr.M.Rajasekar

For Respondent : Mr.A.Gopinath
Government Advocate (CrI.Side)

ORDER



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This Criminal Revision Case has been filed challenging the

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order dated 30.06.2025 passed in Crl.M.P.No.162 of 2025 in C.C.No.23 of 2012 by the learned Special Judge, Special Court under TNPID Act, Coimbatore, thereby dismissing the application filed by the petitioner under Section 243 of Cr.P.C.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioners are arrayed as accused in C.C.No.23 of 2012 for the offences punishable under Section 406, 465, 420, 471 r/w 120b of IPC and Section 5 of TNPID Act, 1997. After closing the evidence of prosecution, the petitioners filed a petition under Section 243 of Cr.P.C, seeking permission to examine the Bank Managers and the District Revenue Officers to prove that the depositors had already received payment to the extent of 27.8% of the amount, since the examination of depositors was dispensed with by the prosecution.

4. It is stated that there are 2182 depositors. According to the petitioners, the entire amount, as directed by this Court, had already



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been paid through the competent authority viz., the District Revenue Officer by the respective banks, after filing of the final report. However, the Trial Court dismissed the said petition on the ground that the petitioners had already produced a list of defence witnesses and examined a couple of witnesses.

5. While being so, the petitioners filed an application to examine defence witnesses in the line of the settlement and at the same time had not slated the present witnesses for such examination. Therefore, the filing of the present application is only to drag the proceedings endlessly. The specific case of the petitioners is that after filing of the final report, the depositors were made payment to the tune of 27.8% amount, as directed by this Court, through the District Revenue Officer. Therefore, it would not be appropriate to drag the proceedings before the trial Court by examining the concerned competent authority/District Revenue Officer concerned once again merely to establish the said payments. However, this Court finds that there are no grounds to interfere with the dismissal of the petition insofar as the request to examine bank managers is concerned.



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6. In view of the above, the order passed by the Trial Court

is partly set aside, insofar as it relates to the examination of the competent authority/District Revenue Officer. Accordingly, the Trial Court is directed to fix a date for the examination of the Competent Authorities, viz., (1) Mr.Prakasam, District Revenue Officer, Salem (2) Mr.Selvaraj, District Revenue Officer, Salem (3) Sugumar, District Revenue Officer Salem and (4) Mrs.Menaga, District Revenue Officer, Salem as defence side witnesses for the petitioners. If the petitioners fail to examine the above witnesses on the date fixed by the Trial Court, the Trial Court is directed to proceed with the trial in accordance with law.

7. In the result, this Criminal Revision Case is partly allowed. Consequently, connected miscellaneous petition is closed.

07.07.2025

Index : Yes/No
Internet : Yes/No
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To

1. The Special Judge,
Special Court under TNPID Act,
Coimbatore.

2. The Inspector of Police,



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3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN. J,

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