



Crl. R.C. No. 1828 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. R.C. No. 1828 of 2023

and

Crl. M.P. No. 12643 of 2025

M.Subramaniam

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
Central Crime Branch,
Tiruppur.

... Respondent

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C, to call for the records and set aside the judgment dated 13.10.2023 in Criminal Appeal No.79 of 2018 passed by the learned II Additional District and Sessions Judge, Tiruppur confirming the judgement dated 19.07.2018 in C.C. No. 105 of 2016 passed by the learned Chief Judicial Magistrate, Tiruppur.

For Petitioner : Mr. P. Thinesh

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



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ORDER

This Criminal Revision Case has been preferred as against the judgment passed in Crl.A.No.79 of 2018 dated 13.10.2023 on the file of the II Additional District and Sessions Judge, Tirupur thereby confirming the judgment of conviction and sentence imposed in C.C.No.105 of 2016 dated 19.07.2018 on the file of the Chief Judicial Magistrate, Tirupur for the offence punishable under Sections 3 and 4 of Prize Chit and Money Circulation Scheme (Banning) Act, 1978.

2. The case of the prosecution is that the petitioner was running Deepavali Chits in the name of Arulmigu Shanmuganathar Chit Funds, in which, the victims joined in monthly chits. After collecting the chit amounts from 18 victims, the petitioner failed to return the same, due to loss. Hence, the complaint.

3. On receipt of the said complaint, the respondent registered the FIR in Crime No. 2 of 2016 for the offence punishable under



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Sections 406 and 420 of IPC and Sections 3 and 4 of Prize Chit and Money Circulation Scheme (Banning) Act, 1978. After completion of investigation, filed a final report and the same has been taken cognizance by the trial Court. In order to bring the charges to them, the prosecution had examined PW1 to PW21 and marked Ex.P1 to Ex.P30. On the side of the accused, no one was examined and no documents were marked before the trial Court.

4. On perusal of the oral and documentary evidence, the trial Court found the petitioner guilty for the offence punishable under Sections 3 and 4 of Prize Chit and Money Circulation Scheme (Banning) Act, 1978. Aggrieved by the same, the petitioner preferred an appeal and same was also dismissed and confirmed the order of conviction and sentence imposed by the trial Court. Hence, the present revision.

5. While pending revision, this Court suspended the sentence on condition that the petitioner shall deposit a sum of Rs.3 lakhs to



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the credit of trial Court. However, the petitioner filed petition to modify the said condition on the ground that the entire amount has been settled with the victims. The victims also had executed cancellation of debt deed on receipt of their respective dues.

6. Learned counsel for the petitioner would submit that there are totally 18 victims. Out of 18, 17 victims were paid and they duly acknowledged the same. They had also executed cancellation of debt deed and produced before this Court. Insofar as only one victim by name Jayalakshmi who was examined as PW4 was not settled due to non availability.

7. Perusal of records revealed that the petitioner is due to the tune of Rs.32,500/- to PW4, Jayalakshmi. He further submitted that the petitioner is ready and willing to deposit the same to the credit of trial Court.



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imposed by the trial Court and confirmed by the appellate Court cannot be sustained and liable to be set aside. Accordingly, the judgment passed in Crl. A. No. 79 of 2018 dated 13.10.2023 on the file of the II Additional District and Sessions Judge, Tirupur thereby confirming the judgment of conviction and sentence imposed in C.C. No.105 of 2016 dated 19.07.2018 on the file of the Chief Judicial Magistrate, Tirupur is set aside on condition that the petitioner shall deposit a sum of Rs.32,500/- to the credit of trial Court in C.C.No.105 of 2016 on the file of the Chief Judicial Magistrate, Tirupur within a period of two weeks from the date of receipt of copy of this order. Failing which, the order of conviction and sentence passed by the trial Court and confirmed by the appellate Court stands automatically restored and the respondent is directed to secure the petitioner to undergo the remaining period of sentence. It is also made it clear that the victim PW.4, Jayalakshmi is permitted to withdraw the amount deposited by the petitioner from the trial Court.



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9. Accordingly, this Criminal Revision Case is allowed.

Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Neutral citation : Yes/No

AT

To

1. The II Additional District and Sessions Judge, Tiruppur
2. The Chief Judicial Magistrate, Tiruppur.
3. The Inspector of Police, Central Crime Branch, Tiruppur.
4. The Public Prosecutor, Madras High Court, Chennai.



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G.K.ILANTHIRAIYAN, J.

AT

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