



Crl.A. No. 25 of 2026
&
Crl.M.P. No. 361 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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1. D. Rubalingam @ Ganesan
S/o. Devaraj,
No.10/33, Nallaiya Street,
Nammazhwarpet,
Chennai – 600 012.

2. R. Geethalakshmi,
W/o. D. Rubalingam @ Ganesan,
No.10/33, Nallaiya Street,
Nammazhwarpet,
Chennai – 600 012.

..Appellants

Vs.

The State rep. By
The Inspector of Police,
Economic Offence Wing II, Chennai.
(Cr. No. 2 of 2019)

..Respondent

Prayer: Criminal Appeal filed under Section 11 of Tamil Nadu Protection
of Interests of Depositors (In Financial Establishments) Act, 1997 to set



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aside the order dated 29.12.2025 passed in C.C. No. 10 of 2020 by the learned Special Judge under the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997.

For Appellants :: Mr.C.S.Dhanasekaran

For Respondent :: Mr.S. Balaji,
Govt.Advocate (Crl.Side)

J U D G M E N T

The appeal has been filed challenging the docket order dated 29.12.2025 by which the learned Special Judge under the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997, had, on receipt of special report, had recorded that the proposal to attach the immovable assets of A2 and A3 would be forwarded to the Government immediately. The learned Special Judge had also issued summons to L.W. 78, the Investigating Officer.

2. Learned counsel for the appellants would submit that the respondent is not entitled to attach the properties of A2 and A3 as they were purchased in the year 1953, much before the alleged offence was committed and therefore, the learned Special Judge ought not to have permitted the



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Investigating Officer to forward the list of properties to the Government for attachment. Learned counsel would further submit that there are totally 77 depositors in the case; that after examination of P.W.s 1 to 13, the Court had issued witness summons to L.W.78 without examining L.W.s 14 to 77 and therefore, the summons to the Investigating Officer has to be quashed.

3. Learned Government Advocate (Crl.Side), per contra, would submit that the question as to whether the properties are liable for attachment can only be adjudicated by the Special Court and that in the absence of details of properties, the said question cannot be decided at this stage. Learned Government Advocate (Crl.Side) would further submit that the learned Special Judge under TNPID Act had dispensed with the examination of L.W.s 14 to 77 and there is no infirmity in summoning L.W.78, the Investigating Officer.



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4. As rightly contended by the learned Government Advocate (Crl.Side), the correctness or otherwise of the respondent forwarding the list of properties to the Government for attachment cannot be decided at this stage. If the appellants are aggrieved by the same, they can always object to the attachment before the Special Court. As regards the witness summons issued to L.W.78, it has now been clarified that L.W.s 14 to 77 have been dispensed with.

5. Therefore, this Court finds no infirmity in the impugned order and the appeal stands dismissed with liberty to the appellants to challenge the attachment, if so advised, in the manner known to law, as and when there is any attachment. Connected criminal miscellaneous petition is closed.

03.02.2026

Neutral Citation: Yes/No

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1. The Special Court under TNPID Act,
Chennai.
2. The Inspector of Police,
Economic Offence Wing II, Chennai.
3. The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN,J.



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