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CRL RC No. 742 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 742 of 2026

and Crl.M.P.Nos.5772 & 5773 of 2026

Thomas Scaria
S/o.Thomas,
No. 113-114, E-Block,
KG Centre Point,
Pazanjur,
Poonamallee,
Tiruvallur District.

..Petitioner(s)

Vs

State Represented by The Deputy Superintendent
of Police
Economic Offences Wing,
Head Quarters,
Ashok Nagar,
Chennai -83

..Respondent(s)

Prayer: This criminal revision petition is filed under Section 438 r/w. 442 of BNSS., to set aside the order dt. 30.01.2026 passed by Honble Special Court under T.N.P.I.D (In Financial Establishment) Act, 1997, Chennai in Crl.M.P.No. 63/2025 in C.C.No. 10/2024 and allow this Criminal Revision Petition and thus render justice.

For Petitioner(s): Mr.G.Krishna Kumar

For Respondent(s): Mr.R.Kishore Kumar
Government Advocate (Crl.Side)



ORDER

This Criminal Revision Petition is filed challenging the order dated 30.01.2026 passed by the learned Special Court under the T.N.P.I.D. (In Financial Establishments) Act, 1997, Chennai, in Crl.M.P. No. 63 of 2025 in C.C. No. 10 of 2024.

2. The learned counsel for the petitioner submitted that no ingredients of the alleged offence are made out against the petitioner. He contended that the statements recorded under Section 161 Cr.P.C. merely refer to the existence of the scheme and do not contain any allegation regarding canvassing by the petitioner. He further submitted that, in the absence of the necessary ingredients to invoke Section 5 of the TNPID Act, the question of compelling the petitioner to face trial does not arise.

2.1. The learned counsel also relied upon the judgment of this Court reported in 2009 SCC OnLine Mad 1285 in Prasannadevi vs. State of Tamil Nadu, represented by the Deputy Superintendent of Police (Economic Offences Wing), Cuddalore. Referring to paragraph 12 of the said judgment, he contended that a person who merely manages the affairs of a firm or company, viz., clerks, accountants, and office assistants, who are only paid servants, would not be responsible for the management in the sense that they are not answerable to the claims made against the financial establishment. Placing



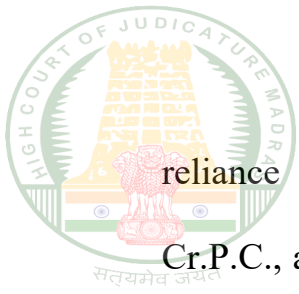
reliance on the said judgment, the learned counsel submitted that the petitioner, being only a paid servant and not part of the management, cannot be implicated in the present case.

3. The said contention was strongly opposed by the learned Government Advocate (Criminal Side), who submitted that the scope of a criminal revision is very limited. Upon a reading of the order passed by the learned Special Judge, there are no infirmities so as to bring the case within the ambit of palpable error.

3.1. The learned Government Advocate (Criminal Side) further submitted that, while considering an application under Section 239 Cr.P.C., what is required to be examined is only whether there exists a grave suspicion and not the merits of the case. In the present case, there are prima facie materials against the petitioner, as reflected in the statements recorded under Section 161 Cr.P.C. Therefore, the order passed by the learned Special Judge is in accordance with law, and he prayed for dismissal of the present petition.

4. I have given my anxious consideration to the submissions made on either side.

5. On perusal of the order of the learned Special Judge, it is seen that



reliance has been placed upon the statements recorded under Section 161 Cr.P.C., and it has been observed that there are sufficient materials to implicate the petitioner in the alleged offence. However, the learned counsel for the petitioner drew the attention of this Court to the contents of the Section 161 statements and contended that the statements of all the witnesses are similar, inasmuch as they only refer to the existence of the scheme and do not attribute any act of canvassing to the petitioner.

6. Nevertheless, as rightly pointed out by the learned Special Judge, this Court is of the view that there are sufficient materials in the statements recorded under Section 161 Cr.P.C. to prima facie indicate the involvement of the petitioner in canvassing. Apart from that, as rightly contended by the learned Government Advocate (Criminal Side), at the stage of considering an application under Section 239 Cr.P.C., what is essential is only the existence of prima facie material.

7. In the present case, the learned Special Judge has found that the statements recorded under Section 161 Cr.P.C. give rise to a grave suspicion against the petitioner. This Court does not find any infirmity in such a finding. Though the learned counsel for the petitioner placed reliance on the judgment of this Court in Prasannadevi's case, the said judgment pertains only to the role of employees and does not deal with allegations relating to canvassing or active



involvement. In the present case, the statements recorded under Section 161 Cr.P.C. specifically refer to the involvement of the petitioner by way of canvassing. Therefore, the said judgment is not applicable to the facts of the present case and is clearly distinguishable.

8. In view of the above, this Court is of the firm view that there are no grounds to interfere with the order of the learned Special Judge. In the result, this Criminal Revision Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

01-04-2026

MPA

To

1. The Deputy Superintendent of Police
Economic Offences Wing,
Head Quarters,
Ashok Nagar,
Chennai -83

2. The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

MPA

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