



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL RC No. 962 of 2019

1. Nachiar Engineering Works
D.No.141, Patel Road, Coimbatore-641009,
Represented By A2.

2.Lakshminarayanan,
S/o.R.Balakrishnan, B-7, Vilankurichi Road,
Cheranmanagar, Coimbatore – 35.

Petitioner(s)

Vs

1. State Represented By
The Sub-inspector Of Police, Economic Offences
Wing-ii, Coimbatore, In Crime No.11 Of 2005.

Respondent(s)

PRAYER

Criminal Revision filed under Section 397 and 401 of the Criminal Procedure Code, praying to call for the records and set aside the order of the learned Principal Sessions Judge, Chennai, dated 06.03.2019 passed in C.A.No.179 of 2011 confirming the conviction and sentence imposed upon the petitioners by the learned Special Judge under TNPID Act, Coimbatore in C.C.No.55 of 2008 by a judgment dated 21.07.2009.

For Petitioner(s): M/s. H.Rajasekar

For Respondent(s): Mr.L.Baskaran
Government Advocate (Crl.Side)



ORDER

This revision has been preferred as against the judgment passed in C.A.No.179 of 2011 dated 06.03.2019 on the file of the Principal Sessions Court, Chennai, thereby confirming the conviction and sentence imposed by the Trial Court in C.C.No.55 of 2008, on the file of the Special Court under Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997, Coimbatore, for the offences under Section 5 of the TNPID Act.

2.The case of the prosecution is that there are totally two accused persons, in which the first accused is the financial institution and the second accused is the sole proprietor of the first accused. They had collected deposits from the general public to the tune of Rs.6,60,000/- from six depositors and promised to pay a higher rate of interest at 18% per annum for the said deposits. However, the accused failed to repay the total sum of Rs.7,75,200/- to the deposits. On the complaint, the first respondent registered FIR in Crime No.11 of 2005, for the offence punishable under Section 5 of the TNPID Act and Section 420 of IPC. After completion of investigation, police filed final report and the same has been taken cognisance by the Trial Court in order to bring the charges to whom the prosecution had examined as P.W.1 to P.W.8 and marked Exs.P1 to Ex.P21. On the side of the accused, they marked Exs.D1 to D8 and no one was examined on their behalf. On perusal of the oral and documentary evidence, the



Trial Court found the accused guilty for offences punishable under Section 5 of the TNPID Act and sentenced the accused to undergo two years of rigorous imprisonment and to pay fine of Rs.5,000/-, in default to undergo six months rigorous imprisonment.

3. Aggrieved by the same, the petitioners preferred an appeal before this Court in Crl.A.No.455 of 2009. This Court, by an order dated 14.03.2011 in Crl.A.No.455 of 2009, transferred the appeal before the Principal District and Sessions Court, Chennai, to dispose of the appeal after giving sufficient opportunity of hearing to the appellants. On transfer of the appeal, the Appellate Court dismissed the appeal and confirmed the order of conviction and sentence imposed by the Trial Court.

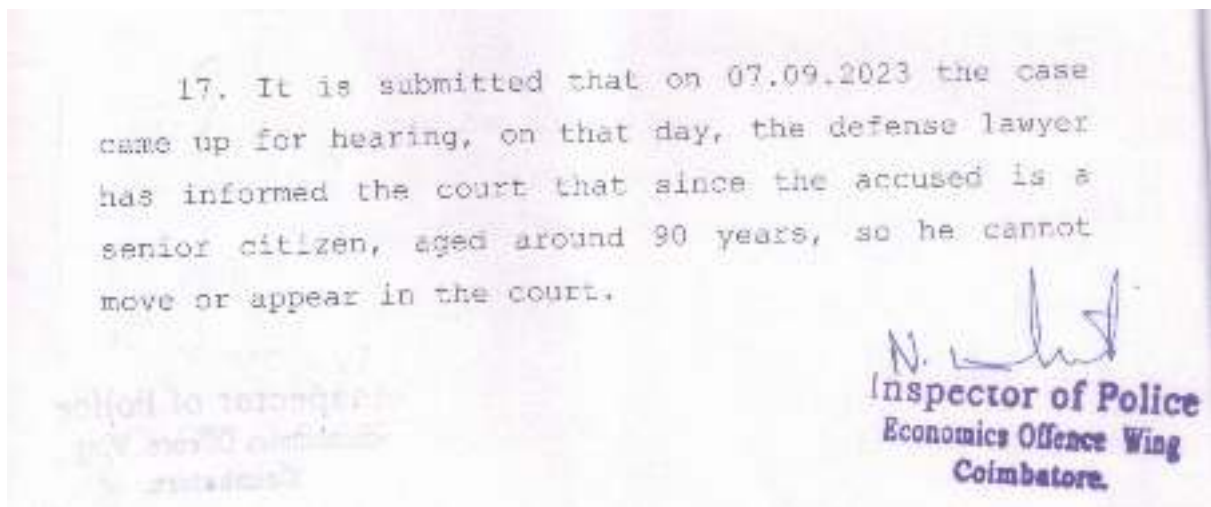
4. On perusal of the judgment passed by the Appellate Court, it revealed that before ordering any notice to the appellant, simply mentioning the name of the counsel who appeared before this Court in this revision and confirmed the order passed by the Trial Court without even hearing the appellant either by counsel or by person. The appeal as against conviction cannot be disposed of without hearing the appellant. If the appellant is not interested to engage any counsel or if the appellant could not able to engage any counsel on his behalf before the Appellate Court, The Court ought to have appointed a Legal Aid



counsel to defend the case of the accused before the Appellate Court.

Unfortunately, in the Appellate Court, without engaging any counsel through Legal Aid, dismissed the appeal on merits without hearing the appellant even by appellant or by his counsel.

5. Further, now the second petitioner is aged about 93 years old and he is bedridden. Therefore, this Court directed the first respondent to submit a status report about the present position of the second petitioner herein. The first respondent filed a status report before this Court and it revealed as follows:-

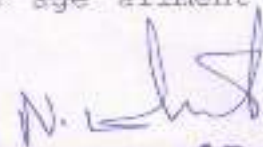




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For which the Honorable High Court Judge has orally instructed the Investigation Officer to proceed to the accused house along with the defense counsel after collecting his residential address, meet in person and submit a detailed status report.

18. It is submitted that as per the High Court orders, on 12.09.2023 at 11.00 hrs. I went to the accused Lakshminarayan home along with his counsel Tr, Kapil, situated at T/40, Kovaipudhur, met him in person and his wife Mahalakshmi and made enquiry and also observed his residential house, it seems just like godown dumping unnecessary things, measuring about 8x6 feet and in dilapidated condition. Moreover, it is learnt that no source for residing Lakshminarayan in the house. He told that he is working in a catering company at Vizhuppuram and visits the house frequently but it is untenable and false. Further observation on him, it is revealed that he is aged around 84 years, but he can move slowly but he is affecting hearing impaired. But he narrated elaborately about the case filed against him for cheating the victims by running a company, Nachiyar Engineering works, convicted him by the court. But he refused to give his Vizhuppuram house address and also told that he has no way in connection with his daughter. It is revealed that he has some problem in his body since his age ailments but he can move slowly.


Inspector of Police
Economics Offence Wing
Coimbatore.



6.Further, the second petitioner has also already incarcerated for nearly five months and he had also paid fine amount to the tune of Rs.60,000/-.

7.Considering the facts and circumstances of the case, the age of the second petitioner and his ailments and also the fine amount paid by him, this Court is inclined to modify the sentence alone. Accordingly, the conviction for the offence under Section 5 of the TNPID Act, 1997, ordered by the Trial Court and confirmed by the Appellate Court is hereby confirmed. Insofar as the sentence alone is modified to the effect that **“the sentence shall be the period already undergone by the second petitioner”**.

8.In the result, this Criminal Revision is partly allowed. No costs.

11-03-2026

Krk

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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1.State Represented By
The Sub-inspector Of Police, Economic Offences
Wing-ii, Coimbatore, In Crime No.11 Of 2005.

2.The Principal Sessions Judge,
Principal Sessions Court, Chennai.
3.The Special Judge,
Special Court under TNPID Act, Coimbatore.

4.The Public Prosecutor,
High Court of Madras, Chennai.



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G.K.ILANTHIRAIYAN J.

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