

A.Muthukumar Vs State Rep. by

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Court : Chennai Orders

Decided On : Apr-29-2025

Judge : Honourable Mr Justice G.K. Ilanthiraiyan

Appeal No. : CRL OP/13680/2025

Appellant : A.Muthukumar

Respondent : State Rep. by

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

A.Muthukumar Petitioner Vs State by The Inspector of Police Cr.NO.1 of 2016 Respondent PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the respondent police to recover the amount from the Ponnusamy, Thenral Avenue land owners namely T.R.Manickam, R.Thangaraj, R.Rangaraj and Vijayalakshmi, Myilsamy, Natarajan, Ramathal and

Jayarani as contemplated U/s 3 of TNPID Act in connection with Crime No.1 of 2016 in C.C.No.5 of 2017 on the file of the Special Judge, Special Court under TNPID Act, 1977, Coimbatore.

For Petitioner : Mr.V.M.R.Rajentran For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondent police to recover the amount from Ponnusamy and Thenral Avenue land owners namely T.R.Manickam, R.Thangaraj, R.Rangaraj and Vijayalakshmi, Myilsamy, Natarajan, Ramathal and Jayarani, as contemplated U/s 3 of TNPID Act in connection with Crime No.1 of 2016 in C.C.No.5 of 2017 on the file of the Special Judge, Special Court under TNPID Act, 1977, Coimbatore.

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

3. It is seen from the records that the petitioner has been

convicted for the offence punishable under Section 420 of IPC. The case of the petitioner is that the amounts, which has been received from the depositors, are lying with one Ponnusamy and therefore, he seeks recovery from the said Ponnusamy. He also claims to have settled some of the depositors. However, this petition has been filed only after conviction. That apart, the said Ponnusamy is neither an accused in the case nor are there any specific averments against him in the charge sheet.

4. In view of the above, the direction sought for in this

petition cannot be granted, that too, after conviction of the petitioner and while he is facing sentence. Accordingly, this Criminal Original Petition stands dismissed.

Index : Yes/No Neutral citation : Yes/No

Speaking/non-speaking order

Lpp To 1.The Special Judge, Special Court under TNPID Act, 2.The Inspector of Police 3.The Public Prosecutor, High Court of Madras, Chennai.

G.K.ILANTHIRAIYAN, J.

Lpp

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