



IN THE SPECIAL COURT UNDER THE TAMILNADU PROTECTION OF
INTERESTS OF DEPOSITORS (IN FINANCIAL ESTABLISHMENTS) ACT,
1997, MADURAI.

Present: Smt.K.R. Jothi, B.A.,B.L.,
Special Judge,
Special Court under TNPID Act Cases,
Madurai.

Friday, this the 27th day of February, 2026.

Cr.M.P. No. 69/2025 in C.C.No.5/2024
(C.N.R. No.TNMD1B000082-2025)

State through the Deputy Superintendent of
Police, E.O.W, Trichy.
(Cr.No.78/2021).

... Petitioner / Complainant.

/vs/

1. Afsal Rahuman, S/o. Kamaludheen,
136, J.N. street, Rahman Nagar,
Thanjavur.
2. A.Abdul Gani, S/o. Abdul Rahman,
3/5, Kani Nagar,
Railway Station road,
Ayyampettai,
Thanjavur.
3. A.Mohammed Sathik, S/o. Abdul Ajees,
No.1/1, A.A.K.Nagar 1st street,
Ayyampettai.
4. A.Rehana Begum, W/o. Kamaludheen,
No.136, J.M. street, Rahman Nagar,
Medical College road,
Thanjavur.
5. Samsath Begum, W/o. Abdul Rahman,
No.1/1, A.A.K, Nagar 1st street,
Ayyampettai.



6. Saharban Begum,
W/o. Shagul Hameed,
No. 32, Station Road,
Ayyampettai.

... Respondents / Accused.

This petition has been coming for final hearing on 18.02.2025 before this Court, in the presence of Thiru.P.I.Muhammed Ismail, the learned Special Public Prosecutor and Thiru.S.Jeyachandran, the learned Counsel for the respondents No.1, 2 & 4 and due to no representation for R3, R5 & R6, they were set exparte and upon hearing the arguments of both side and after perusing the records and having stood over till this day for consideration, this Court doth the following

ORDER

The petitioner filed the petition by seeking permission to bring the movable properties mentioned in the inventory list for public auction through the concerned Competent Authority and thus render justice.

2. Brief averments of the Petition as follows:-

The case was registered in Cr.No. 78/2021, u/s. 406, 420 IPC @ 406, 420, 120 -B IPC & 5 of TNPID Act & 3, 5, 21(1), (2) (3), 23, 25 of BUDS Act r/w 109 IPC on the file of E.O.W, Trichy against the accused, who had run the financial establishment namely Rahaath Transport, Rahaath Cabs and Harries Bus body Coach, as they had swindled huge sum from the depositors. The search had been conducted in Raahath Cabs, No. 136, Raguman Nagar, Medical College Road, Thanjavur District by the Deputy Superintendent of Police on 28.01.2025 and seized the properties as per the inventory list prepared by them as follows:

வ. எண்	பொருட்களின் விபரம்	வ. எண்	பொருட்களின் விபரம்
1).	சுமார் 4-1/2 அடி இரும்பால் ஆன சிறிய பீரோ -1	11).	சுமார் 5 அடி நீளம் சுமார் 2 அடி அகலமுள்ள பிளைவுட்டால் ஆன கம்ப்யூட்டர் டேபிள் -1
2).	2. சுமார் 6 அடி பிளைவுட்டால் ஆன பீரோ - 1	12).	நகல் எடுக்கும் இயந்திரம் -1



3).	இரும்பால் ஆன மெத்தை வைக்கப்பட்ட ஜோபா செட் - 1 (ஜோபா -1 சேர் -2)	13).	ரோலிங் ஜேர் -6
4).	சுமார் 7 அடி நீளம் சுமார் 2 அடி அகலமுள்ள வரவேற்பு அறை டேபிள் -2	14).	CCTV Set off box உள்ள அலுமினியம் ராக் -1
5).	சுமார் 2-1/2 அடி நீளம் சுமார் 6 அடி அகலமுள்ள அலுமினியம் -1	15).	CCTV கேமரா -8
6).	பணம் கணக்கிடும் இயந்திரம் -1	16).	சுமார் 6 அடி உயரமுள்ள பிளைவுட் டோர் -1
7).	ஸ்டபலைசர் (Stablizer) -1	17).	அலுமினியத்தால் மற்றும் கண்ணாடியால் ஆன சுமார் 6 அடி உயரமுள்ள டோர் -1
8).	இன்வெண்டரி பேட்டரி (Microtek) -1	18).	சுமார் 11 அடி உயரமுள்ள இரும்பால் ஆன 6 போஸ்டர்களுடன் கூடிய 36 அடி நீளம் மற்றும் 21 அடி அகலம் கொண்ட GA கலர் சீட்டால் ஆன செட் -1
9).	சுமார் 4 அடி நீளம் சுமார் 2-1/2 அடி அகலமுள்ள பிளைவுட்டால் ஆன டேபிள்	19).	இரும்பால் ஆன பெரிய கதவு 20X 7 அடி உள்ளது -1
10).	சுமார் 9 அடி நீளம் சுமார் 2 அடி அகலமுள்ள கவற்றில் பொருத்தப்பட்ட பிளைவுட்டால் ஆன டேபிள் -1	20).	இரும்பால் ஆன பெரிய கதவு 3X 5 அடி உள்ளது -1

The above articles are steel, electronic, plywood, aluminum & glass. If the same were moved, it will be damaged and it would diminish the value. Therefore it is just and necessary to direct the Competent Authority / District Revenue Officer to sell the above articles in public auction to protect the interest of the depositors.

3. The objection filed by the 1st, 2nd & 4th respondents in brief as follows:

The petition is not sustainable and maintainable. There is no prima facie evidence to support the claim that the properties belongs to Kamaludeen. The allegation that the properties belongs to Kamaludeen purchased out of money from the alleged investors is false. The property in which taken from the premises as well as purchased in the name of person it is presumed to be owner of the property until it proved otherwise. The burden of proof of claim is upon the petitioner. The claim of petitioner to seek auction of the property is against Evidence Act, sales of goods Act as well as transfer of property Act. The claim is not maintainable until its ownership is not proved. The right of partners are different from investors. Even the act in which the case has been registered is not sustainable. Hence prays to dismiss.



4). The point for consideration is whether the petition can be allowed?.

Point :

5). The learned Special Public Prosecutor had submitted that the search had been conducted in the premises of the accused by the Deputy Superintendent of Police. They had prepared the inventory list, which are enclosed along with the petition. The properties which are identified during the search has to be disposed off at the earliest in order to safeguard its value and he prayed to permit the Competent Authority to bring the properties for public auction and to realize the sale proceeds.

6). Despite the opportunity, R3, R5 & R6 did not file their counter and they were set exparte. Eventhough, originally objection was raised by R1, R2 & R4, later R2 & R4 made the endorsement as No objection, to allow the petition. On verification of entire things, it is evident R1 also not raised any serious objection.

7). It is an admitted fact that the accused had occupied the searched premises and had run the financial establishment. Due to the criminal case, the business has been come to an end and during the course of investigation, direction was given to the investigation agency to conduct the search in the premises on various dates. They had conducted search over the said premises and prepared the athatchi of the petition mentioned properties in the premises, which are liable for the proceedings u/s. 3 of TNPID Act. Being it is an economic offence, in order to protect the interest of the depositors, each and every single paise of the money to be saved with a higher decree care. Under these circumstances, keeping the inventory mentioned properties without any speedy disposal, the value of the properties will be diminished. The owner of the properties not raised any serious objection. Further more, R2 & R4 made the endorsement as 'No objection' to sell the properties in public auction.



8). **The sec.13 of the TNPID Act** runs as follows:

"Procedure and powers of Special Court regarding offences:

(1) The Special Court may take cognizance of the offence without the accused being committed to it for trial and in trying the accused person, shall follow the procedure prescribed to the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) for the trial of warrant cases by Magistrates.

(2) The provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall, so far as may be, apply to the proceedings before a Special Court and for the purpose of the said provisions, a Special Court shall be deemed to be a Magistrate."

9). On considering the facts and circumstances of this case, in order to protect the interest of the depositors, the Court is inclined to apply the proceedings u/s.459 of Cr.P.C.

Sec.459 of Cr.P.C. runs as follows:

Power to sell perishable property :- If the person entitled to the possession of such property is unknown or absent and the property is subject to speedy and natural decay, or if the Magistrate to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, or that the value of such property is [less than five hundred rupees], the Magistrate may at any time direct it to be sold, and the provisions of Sections 457 and 458 shall, as nearly as may be practicable, apply to the net proceeds of such sale."

9). Thereby, in order to safeguard the value of the properties which are likely to natural decay and also to protect the interest of the depositors as well as the benefit of the owner, it is necessary to bring the properties for sale through public auction in accordance with Sec. 457, 458 & 459 of Cr.P.C. Being it is a special Act, the Competent Authority is having a vital role in concern with the properties. Considering all these circumstances, all the inventory properties are available at the



place of Trichy jurisdiction, this Court is inclined to appoint the concerned Competent Authority to bring all the inventory properties for public auction, on the point of jurisdiction. The properties shall be brought for public auction, after fixing the upset price for each and every property, on following the procedures within the period of two months from today. The sale proceeds shall bring into the case account and shall file necessary report before this Court.

In the result, the petition is allowed and the concerned Competent Authority is permitted to bring all the inventory list properties for public auction within the period of two months from today, after fixing the upset price for each and every property, on following the procedures. The sale proceeds shall bring into the case account and shall file necessary report before this Court.

Directly dictated to stenographer, transcribed by her, corrected and pronounced by me, in open court this the 27th day of February 2026.

Special Judge,
Special Court under TNPID Act Cases,
Madurai.

Copy to

- 1) The Inspector of Police, E.O.W, Trichy.
- 2) The petitioner through his counsel.