

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.13601 of 2019

IN CRL.R.C.NO.962 of 2019

1 NACHIAR ENGINEERING WORKS [PETITIONERS/APPELLANT/ACCUSED]
2 LAKSHMINARAYANAN

Vs

STATE REPRESENTED BY [RESPONDENT/COMPLAINANT]
THE SUB-INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING-II,
COIMBATORE.
CRIME NO.11 OF 2005.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the substantive sentence imposed on the 2nd petitioner in C.C.No.55 of 2008 by the learned Special Judge under TNPID Act, Coimbatore by a judgment dated 21.07.2009 and confirmed by the order dated 06.03.2019 in C.A.No.179 of 2011 on the file of the Principal Sessions Judge, Chennai, and enlarge the 2nd petitioner on bail pending the above Crl.R.C.No.962 of 2019.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.A.M.RAHAMATH ALI, Advocate for the petitioners, and of MR. M.MOHAMED RIYAZ, Additional Public Prosecutor, on behalf of the Respondent, the court made the following order:-

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- 1.These Criminal Miscellaneous Petition has been filed by the Petitioners/A 1 and A2, seeking suspension of sentence of imprisonment, imposed by the judgment, dated 21.07.2009 passed in C.C.No.55 of 2008, by the Special Judge, under TNPID Act, Coimbatore, as confirmed in the judgment, dated 06.03.2019, made in Crl.A.No.179/2011, by the Principal Sessions Judge, Chennai, pending disposal of the Criminal Revision Case.
- 2.This court heard the learned counsel on either side and also perused the materials placed on record.
- 3.In and by both the impugned judgements, the Petitioners/ A1 and A2 were convicted for the offence under Section 5 of the Tamil Nadu

Protection of Interest of Depositors (In Financial Establishments) act 1997 and the petitioner/A1 was sentenced to pay a fine of Rs.5000/- for each count(6-0-Rs.30,000/-) and the petitioner/ A2 was sentenced to pay the above fine imposed upon the A1, in default to undergo rigorous imprisonment for one year for each count and the A2 was sentenced to undergo two years of rigorous imprisonment and to pay a fine of Rs.5000/- in default to undergo six months rigorous imprisonment for each count and the sentenced were ordered to run concurrently.

4. The learned counsel for the petitioners/Accused would submit the the petitioner/A1, is the Company and the petitioner/A2 is the person, in-charge of the company. He would submit that the impugned judgement of the learned Principal Sessions Judge, Chennai, in disposing of the appeal, without affording any opportunity of hearing and without appointing any Legal Aid counsel, is bad in law and that the fine amount imposed on him has been paid. He would submit that the petitioner/ A2 is aged about 84 years and pursuant to the judgment of convicting and sentence of the Lower Appellate Court, the petitioner/A2 was arrested on 01.09.2019 and he was remanded to judicial custody and he is now in prison. He would further submit that there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the Petitioner/ A2 has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence of imprisonment imposed against the Petitioner/A2 may be suspended.
5. The learned Additional Public Prosecutor has raised objections for suspending the sentence.
6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the suspension of sentence and bail is granted in respect of the Petitioner/A-2, on the following conditions :-
 - i. The Petitioner/A2 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with one surety, for a like sum, to the satisfaction of the Principal Sessions Court, Chennai.

The petitioner/A2 shall report before the Appellate Court on the first working day of every English Calendar Month at 10.30 a.m., until further orders.

-sd/-

25/09/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)

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High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SESSIONS JUDGE
CHENNAI.

2 THE SPECIAL JUDGE UNDER
TNPID ACT COIMBATORE.

3 THE SUB-INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING-II,
COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 C.C. to M/S. H.RAJASEKAR Advocate on payment of necessary
charges SR.NO.19965

Order

in
CRL MP.13601/2019
IN
CRL.R.C.NO.962/2019

Date :25/09/2019

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TA-27/09/2019

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