



BAIL SLIP

This Appellant namely 1.Mr.Arun @ Arun Kumar, and 2. Judith Amutha, Appellants No.2 and 3 were released on bail as per order dated 01/03/2013 made in Crl.MP (MD)No.1/2013 in Crl.A (MD)No.72/2013.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A(MD)No.72 of 2013

1.Arun Bankers

2.Arun @ Aun Kumar

3.Judith Amutha

... Appellants

Vs

The State of Tamil Nadu,
rep. by the Inspector of Police,
Economic Offence wing No.2,
Nagercoil,
Kanyakumari District.

... Respondent

PRAYER: Criminal Appeal is filed under Section 374 of Cr.P.C., to allow the appeal and set aside the Judgment in C.C.No.18 of 2009, dated 14.02.2013 on the file of the Special Court under the Tamil Nadu Protection of Interest of Depositors Act, Madurai.

For Appellants : Mr.C.Godwin

For Respondent : Mr.S.Bharathi

Government Advocate (Crl.side)

JUDGMENT

The appellants herein were convicted and sentenced, vide Judgment dated 14.02.2013 in C.C.No.18 of 2009 on the file of the Special Court under TNPID Act, Madurai as follows:-

Accused	Penal Provisions	Punishment
A1	Section 5 of TNPID Act	To pay a fine of Rs.25,000/-, in default, to undergo six months simple imprisonment
A2	409 IPC	To undergo seven years rigorous imprisonment with fine of Rs.5,000/-, in default, to undergo six months simple imprisonment.

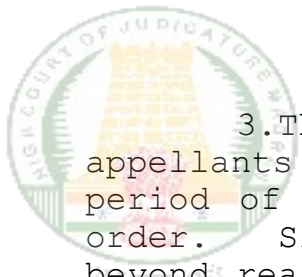


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	420 IPC	To undergo seven years rigorous imprisonment with fine of Rs.5,000/- in default to undergo six months simple imprisonment.
	Section 5 of TNPID Act	To undergo seven years imprisonment with fine of Rs.25,000/-, in default to undergo six months simple imprisonment.
A3	409 IPC	To undergo imprisonment for two years rigorous imprisonment with fine of Rs.5000/-, in default to undergo six months simple imprisonment.
	420 IPC	To undergo two years rigorous imprisonment, with fine of Rs.5,000/- in default, to undergo six months simple imprisonment.
	Section 5 of TNPID Act	To undergo two years rigorous imprisonment with fine of Rs.25,000/-, in default to undergo six months simple imprisonment.

Challenging the same, this appeal came to be filed.

2.When the appeal was taken up for hearing, the learned counsel appearing for the appellants submitted that the financial establishments run by them owed to pay a total sum of Rs.27,30,000/-. That was the default amount. P.W.1 had to be paid Rs.50,000/- and his claim was settled. That is why, he turned hostile. That leaves the one with the balance amount of Rs.26,80,000/-. Since the said liability could not be liquidated, the Court below found the appellants guilty and sentenced them as mentioned above.



3.The appellants' counsel, on instruction, submits that the appellants would pay the said amount of Rs.26,80,000/- within a period of two months from the date of receipt of a copy of this order. Since the guilt of the appellants has been established beyond reasonable doubt, the conviction imposed on the appellants will have to be necessarily confirmed. In fact, the appellants' counsel does not challenge the finding of guilt and that, he only wants leniency to be shown as he has come forward to settle the liability.

4.Recording the undertaking given by the appellants' counsel, while sustaining the conviction imposed on the appellants, the sentence of imprisonment imposed on them is set aside. The appellants are given two months from the date of receipt of a copy of this order to deposit a sum of Rs.26,80,000/- to the credit of C.C.No.18 of 2009 on the file of the Special Court for TNPID Act cases, Madurai. On such deposit, the learned Special Judge, Madurai, will take steps to have the said amount disbursed to the concerned depositors. If the appellants fail to adhere to the undertaking now given before me, the sentence of imprisonment imposed by the trial Court will stand automatically restored. This criminal appeal is partly allowed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar(CS)

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To

1.The Inspector of Police,
Economic Offence wing No.2,
Nagercoil,Kanyakumari District.

2.The Special Court for TNPID Act Cases Madurai.
Madurai District Court Campus, Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.GODWIN, Advocate (SR-80933[F] dated 09/08/2019)

CrI.A.(MD)No.72 of 2013

09.08.2019

sma/06.02.2020/3p/5c