

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.MP.No.5616 of 2021

and

Crl.A No.220 of 2021

S.Sabeen Kanna

... Petitioner

-Vs-

State Rep. by
The Inspector of Police,
Economic Offences Wing-II,
Erode.
Crime No.38 of 2012

... Respondent

Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C. to suspend the sentence of imprisonment imposed in the judgment dated 18.12.2020 made in CC. No.22 of 2012 on the file of the learned Special Judge, Special Court under TNPID Act, 1977 Coimbatore and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.V.M.R.Rajendran

For Respondent : Ms.Saradha Devi
Government Advocate (Crl.Side)

ORDER

The petitioner figured as 4th Accused in CC.No.22 of 2012 on the file of the learned Special Judge (Special Court under TNPID Act) Coimbatore. By the impugned judgment dated 18.12.2020, the learned trial Judge convicted A2 to A4 to undergo two years simple imprisonment and to pay fine of Rs.20,000/- for each counts (Rs.20,000/- X 98 counts X 3 accused), for the offence under Section 120B of IPC, in default, to undergo further one year simple imprisonment and convicted A2 to A4 to undergo three years simple imprisonment and to pay fine of Rs.20,000/- for each counts (Rs.20,000/- X 98 counts X 3 accused) for the offence under Section 420 of IPC in default, to undergo further one year simple imprisonment, and also convicted A2 to A4 to undergo ten years simple imprisonment and to pay fine of Rs.20,000/- for each counts (Rs.20,000/- X 98 counts X 3 accused), in default, to undergo further period of one year simple imprisonment for the offence under Section 5 of TNPID Act, 1997. The sentences shall run concurrently. Challenging the above said judgment, the petitioner has filed the present petition seeking suspension of substantive sentence of imprisonment.

2. The learned counsel for the petitioner submitted that A4 is in incarceration for more than five months and he is only a paid servant of the offending financial establishment.

3. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are arguable points which require consideration in the appeal and the appeal cannot be taken up for hearing in the near future, this Court is inclined to suspend the sentence imposed by the Court below.

4. The sentence imposed by the Court below vide Judgment made in CC.No.22 of 2012 dated 18.12.2020 passed by the learned Special Judge (Special Court under TNPID Act) Coimbatore, is hereby suspended and the petitioner (A4) is directed to be enlarged on bail, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge, Special Court for TNPID Cases, Coimbatore and shall appear before the said court on the first working day of every English Calender month at 1030 a.m. until further orders.

5. This Petition is ordered accordingly.

-sd/-

05/05/2021

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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE,
SPECIAL COURT UNDER TNPID ACT,
COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING-II,
ERODE.

+1C.C. to M/S. V.M.R.RAJENDRAN Advocate on payment of
necessary charges SR.NO.5833

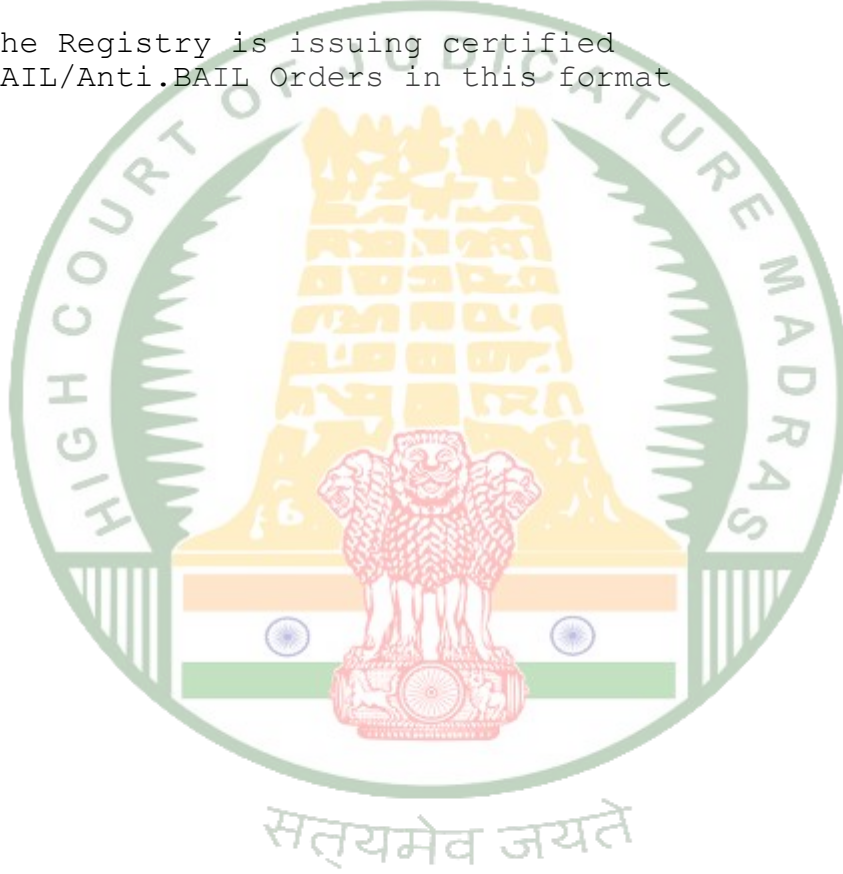
Order

in
CRL.MP.NO.5616/2021
in
CRL.A.NO.220/2021

Date :05/05/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

MK:20/05/2021



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