

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.MP.No.5624 of 2021

and Crl.A No.222 of 2021

1. Sri Ganesan Finance,
Rep. by its Managing Director,
J.Ilanchezhian.

...Petitioners

2. J.Ilanchezhian

3. Ramesh @ Balasubramaniam

4. R.Balakrishnan

5. J.Veerapandian

6. R.Ramakrishan

-Vs-

State Rep. by
The Deputy Superintendent of Police,
EWO II Erode,
Erode District.
Crime No.8 of 2002

...Respondent

Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioners in the judgment dated 24.03.2021 made in CC. No75 of 2008 on the file of the learned Special Judge, Special Court under TNID Act, Coimbatore (CC.No.13 f 2007-TNPID Curt, Chennai) pending disposal of the above criminal appeal.

For Petitioners: Mr.N.Manoharan

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

ORDER

The petitioners figured as Accused in CC.No.75 of 2008 on the file of the learned Special Judge (Special Court under TNPID Act) Coimbatore.

By the impugned judgment dated 24.03.2021 the trial Judge convicted A1 to pay fine of Rs.1,00,000/- under Section 5 of TNPID Act. A2, A4, A6, A7 and A8 shall pay the fine amount equally, imposed on the first accused Fir, in default of payment of fine, they should undergo further period of one year simple imprisonment. A2, A4, A6, A7 and A8 each to undergo three years simple imprisonment and each to pay fine of Rs.1,00,000/- in default of fine, they should undergo one year simple imprisonment. The sentences shall run concurrently. Challenging the above said judgment, the petitioners have filed the present petition seeking suspension of substantive sentence of imprisonment.

2. The learned counsel for the petitioners submitted that the said fine amount has been deposited. According to them, during pendency of trial, 10 depositors have already been settled by utilizing the fine amount deposited by the petitioners, the other depositors also can be likewise settled.

3. Considering the facts and circumstances of the case and considering the submissions of the learned counsel for the petitioners 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 C.C.No.75 of 2008 dated 24.03.2021 on the file of learned Special Judge, Special Court under TNPID Act, Coimbatore, is hereby suspended and the petitioners are directed to be enlarged on bail, on condition that the petitioners shall execute a separate 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 the petitioners shall appear before the said Court on the first working day of every English calendar month at 10.30 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 DEPUTY SUPERINTENDENT OF POLICE,
E.W.O.II, ERODE,
ERODE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.N.MANOCHARAN Advocate on payment of necessary charges
SR.NO. 5926

Order

in
CRL MP.5624/2021

&
Crl A.222/2021

Date :05/05/2021

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