

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

Coram

The Honourable Mr.Justice G.R.Swaminathan

Crl.M.P.No.5636 of 2021

in Crl.A.No.224 of 2021

1.Sri Vasavi Enterprises ...Petitioners

Rep. by its Managing Partner,
J.Ilanchezhian,
S/o. late Jagamalai Kandar,
147, Agraharam Street,
Erode - 638 001.

2.J.Ilanchezhian

Versus

The State rep. by its
Deputy Superintendent of Police,
E.W.O.II, Erode,
Crime No.8 of 2002,
Erode District.

...Respondent

This Criminal Miscellaneous Petition is filed under Section 389 (1) of Crl.P.C praying for suspending the sentence of imprisonment imposed on the petitioners in the judgment dated 24.03.2021 made in C.C.No.77 of 2008 on the file of the learned Special Judge, Special Court under TNPID Act, Coimbatore (C.C.No.18 of 2007 - TNPID Court, Chennai) pending disposal of this Criminal Appeal before this Court.

For Petitioners : Mr.N.Manokaran

For Respondent : Ms.Sharadha,
Government Advocate

ORDER

The above Criminal Appeal has been filed by the petitioners herein as against the judgment and sentence passed by the learned Special Judge, Special Court under TNPID Act, Coimbatore in C.C.No.77 of 2008 dated 24.03.2021. The petitioners were convicted for offence under Section 5 of TNPID Act, 1997. Since the first petitioner was a financial establishment the learned Special Judge directed the second petitioner (Managing Director of the first petitioner firm) to pay a fine of Rs.1,00,000/- in default to undergo simple imprisonment for one year. Further, the second petitioner was sentenced to undergo simple imprisonment for three years and to pay a fine of

Rs.1,00,000/- in default to undergo simple imprisonment for one year. Both the sentences were ordered to run concurrently. Challenging the aforesaid judgment and sentence passed by the Court below, the petitioners have filed the above Miscellaneous Petition seeking for suspension of sentence of imprisonment.

2. The learned counsel for the petitioners submitted that the petitioners have already deposited the entire fine amount of Rs.2,00,000/- before the Court below.

3. Heard the learned counsel on both sides.

4. Considering the facts and circumstances of the case coupled with the fact that there are arguable points which require a 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.

5. Accordingly, the sentence imposed by the Court below vide judgment made in C.C.No.77 of 2008 dated 24.03.2021 on the file of 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 Case, Coimbatore and to appear before the learned Special Judge, Special Court for TNPID Case, Coimbatore, on the first working day of every month at 10.30 a.m. until further orders.

-sd/-

05/05/2021

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

TRUE COPY

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

WEB COPY

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.5922

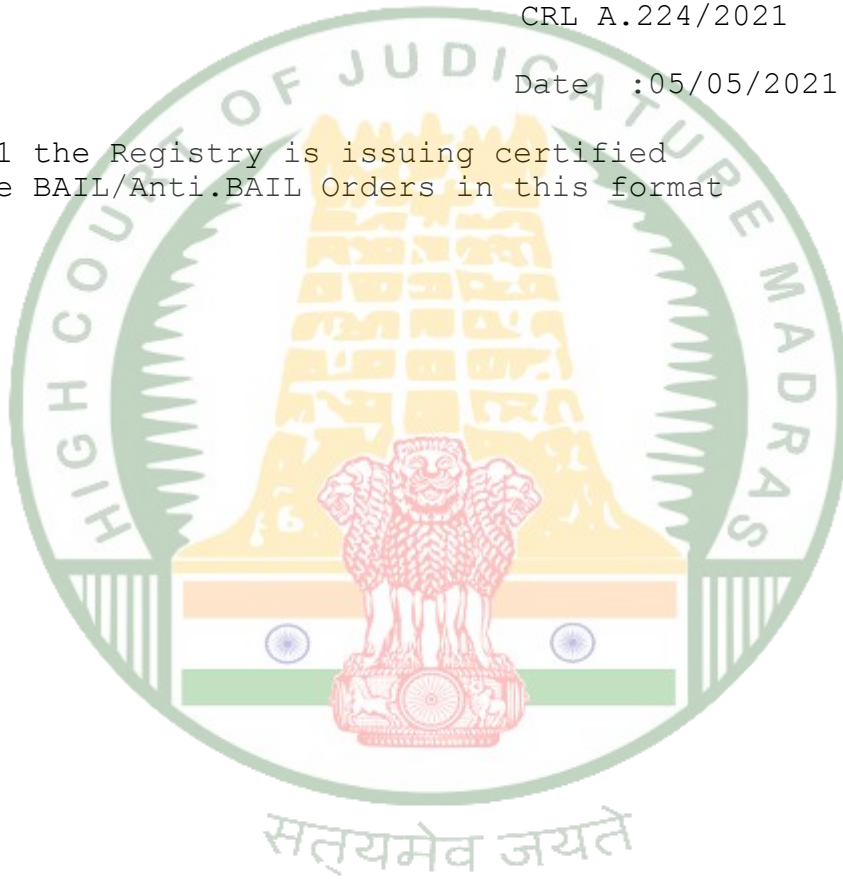
Order

in
CRL MP.5636/2021
in
CRL A.224/2021

Date :05/05/2021

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TA-07/05/2021



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