

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.M.P.No.5928 of 2021

in'Crl.A.No.264 of 2021

Gayathirisree Karthick

...Petitioner

-Vs-

State rep. By  
The Inspector of Police,  
Economic Offence Wing-II,  
Erode - Post & District  
Crime No.38/2012

...Respondent

**Prayer:** Criminal Miscellaneous Petition filed under Section 389 (1) & (3) of Cr.P.C. to suspend the sentence made in CC.No.22 of 2012 on the file of the Special Judge, Special Court under TNPID Act Cases, Coimbatore dated 18.12.2020

For Petitioner : Mr.K.Prabu

For Respondent : Mr.Charles Premkumar  
Government Advocate (Crl.Side)

**ORDER**

The petitioner figured as 3<sup>rd</sup> accused in CC.No.22 of 2012 on the file of the learned Special judge (Special Court for TNPID Act Cases) Coimbatore. By the impugned judgment dated 18.12.2020, the learned trial Judge convicted A3 to undergo one year simple imprisonment and further sentences to undergo 3 years of simple imprisonment and to pay fine of Rs.20,000/- for each count, in total Rs.58,80,000/- for the offence under Section 420 of IPC in default of fine to undergo one year simple imprisonment and further sentenced to undergo 10 years simple imprisonment and to pay fine of Rs.20,000/- for each count, in total Rs.58,80,000/- for the offence under Section 5 of TNPID Act in default of fine to undergo one year simple imprisonment. 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 no documentary or oral evidence produced by the prosecution to show that the petitioner is managing the company.

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 substantive part of the sentence imposed by the Court below.

4. The substantive part of the sentence imposed by the Court below vide Judgment made in CC.No.22 of 2012 passed by the Special Judge, Special Court for TNPID Act Cases, Coimbatore dated 18.12.2020, is hereby suspended and the petitioner (A3) 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 under TNPID Act Cases, Coimbatore and 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/-  
13/05/2021

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.

WEB COPY

TO

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

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
ECONOMIC OFFENCES WING -II,  
ERODE-POST AND DISTRICT.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, COIMBATORE.

C.C. to M/S.K.PRABU Advocate on payment of necessary charges

Order

in  
CRL MP.5928/2021

in  
CRL A.264/2021

Date :13/05/2021

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

TA-17/05/2021



WEB COPY