

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.M.P.No.7967 of 2021

in Crl.A.No.378 of 2021

1.Sri Kandiamman Finance ... Petitioners/Appellants
No.1680/16, Ramanis Regency,
Ramanathapuram,
Coimbatore.
Represented by A2 to A5.

2.K.Veerasamy

3.K.Padmavathy

Vs.

The State rep. By its ... Respondent/Complainant
Inspector of Police,
E.W.O. II, Coimbatore,
Crime No.9 of 2004,
Coimbatore District.

PRAYER : Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 22.07.2021 made in C.C.No.48 of 2008 on the file of the learned Special Judge, Special Court under TNPID Act, Coimbatore (C.C.No.24 of 2005 - TNPID Court, Chennai) pending disposal of this Criminal Appeal.

For Petitioners : Mr.N.Manoharan

For Respondent : Mr.S.Sugendran
Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking to suspend the sentence of imprisonment imposed on the petitioners by judgment dated 22.07.2021 made in C.C.No.48 of 2008 by the learned Special Judge, Special Court under TNPID Act, Coimbatore, in and by which the 1st petitioner/A1 herein was convicted and imposed a fine of Rs.1,000/- under Section 5 of TNPID Act, in default, to undergo further period of one year simple imprisonment and the 2nd and 3rd petitioners/A2 and A3 were convicted and sentenced to undergo simple imprisonment for a period three years and to pay a fine of Rs.1,000/- under Section 5 of TNPID Act, in default, to undergo simple imprisonment for one year.

2.The case of the prosecution is that the accused 2 to 5 had canvassed and invited P.W.1 to P.W.7 to deposit their amount under a false promise of giving higher rate of interest, which they had failed to pay on the date of maturity, the petitioners/A1 to A3 herein have been charged for the offence under Section 5 of TNPID Act.

3. The learned counsel for the petitioners would submit that neither on the date of deposit nor on the date of complaint, the 3rd and 4th petitioners were working in the A-1 firm. The 3rd petitioner/A3 had retired from the 1st petitioner/A1 firm on 25.02.1997. A-2 tried to settle the dues, he sold all the jewels of his mother (A-3) and raised the principal amount of Rs.25,30,000/- which was deposited by way of DD dated 02.03.2021 before the competent authority/DRO, Tiruppur. and they have no liability to pay the said amount and the 2nd and 3rd petitioners have not committed any offence as alleged by the prosecution. The 2nd and 3rd petitioners/A2 and A3 joined in the 1st petitioner/A1 firm on 25.02.1997 and the said firm commenced on 15.03.1996, whereas the complaint was registered in the year 2004.

4.Considering the submissions made by the learned counsel for the petitioners and also considering the fact that there are arguable points in the main Criminal Appeal and records has to be received from the Trial Court and typed set of papers has to be prepared for hearing of Criminal Appeal and that this Court is of the view that petitioners herein may be granted the relief of suspension of sentence.

5. In view of the above, this Court is inclined to grant bail to the petitioners on the following conditions:-

(i) The petitioners are directed to be enlarged on bail on condition that the each of the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned Special Judge, Special Court under TNPID Act, Coimbatore within a period of 15 days from the date of receipt of a copy of this order.

(ii) the petitioners shall appear before the above said Special Court, on the first working day of every month at 10.30 a.m., till the disposal of the appeal.

-sd/-
18/08/2021

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
E.W.O.II COIMBATORE,
COIMBATORE DISTRICT.

+1 C.C. to M/S.N.MANOCHARAN Advocate on payment of necessary
charges SR.NO.8789

Order

in
CRL MP.7967/2021

in
CRL A.378/2021

Date :18/08/2021

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TA-19/08/2021