



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.8278 of 2021

IN CRL.A.No.391 of 2021

1 DHEERAN POULTRY FARMS
2 SATHISHKUMAR
3 BOOPATHY
4 ABHI @ ABHINIYA
5 P.S.KUMAR @ SASIKUMAR

[PETITIONERS / APPELLANTS /
ACCUSED 1,2 & 4 TO 6]

Vs

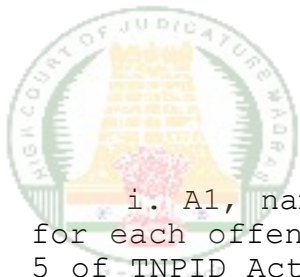
THE STATE REP BY
THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING-II,
ERODE.
CRIME NO.1024 OF 2012.

[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner by the judgment dated 26.07.2021 made in C.C.No.28/2013, CNR No.TNCB 06-000045-2013 on the file of Special Judge, Special Court under TNPID Act, Coimbatore pending disposal of above CRL.A.No.391 of 2021.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.KARTHIKA, Advocate for M/S.KANNAN KUMAR, Advocate for the Petitioner and of MR.S.SUGENDRAN, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

Learned Counsel for the petitioners/Appellants would submit that the petitioners are respectively A1, A2 and A4 to A6 in C.C.No.28 of 2013 on the file of the Special Court under TNPID Act, Coimbatore. The trial court had found them guilty and sentenced them as under:



i. A1, namely M/s.Dheeran Poultry Farms to pay fine of Rs.5,000/- for each offences and each counts under Section 420 I.P.C and Section 5 of TNPID Act (Rs.5,000 x 14 counts x 2 offences = Rs.1,40,000/-). A2 partner shall pay the fine amount equally imposed on the 1st Accused Firm, in default of payment of fine by A2, he should undergo one year simple imprisonment for each offences.

ii. A2, A4 to A6 each to undergo two years simple imprisonment and to pay fine of Rs.5,000/- for each counts (Rs.5,000 x 14 counts x 4 accused = Rs.2,80,000) under section 120 B of I.P.C, in default of payment of fine to undergo further one year simple imprisonment.

iii. A2, A4 to A6 to undergo three years simple imprisonment and to pay fine of Rs.5,000/- for each counts (Rs.5,000 x 14 counts x 4 accused = Rs.2,80,000) under section 420 I.P.C, in default of payment of fine to undergo further one year simple imprisonment.

iv. A2, A4 to A6 to undergo three years simple imprisonment and to pay fine of Rs.5,000/- for each counts (Rs.5,000/- x 14 counts x 4 accused = Rs.2,80,000/-) under Section 5 of T.N.P.I.D Act, 1997, in default of payment of fine to undergo further one year simple imprisonment, A2 to pay Rs.4,20,000/- and A4 to A6 each to pay Rs.2,80,000/-. Total fine amount is Rs.12,60,000/-.

The petitioners after conviction had moved the petition for suspension of sentence. This Court by an order dated 13.09.2021 had directed the petitioners to deposit total fine amount of Rs.12,60,000/- (Rupees Twelve Lakhs and Sixty Thousand only) to the credit of C.C.No.28 of 2013 on the file of the learned Special Judge, Special Court under TNPID Act, Coimbatore on or before 29.09.2021. Due to their poor financial condition, they were unable to deposit the fine amount and thereby this Court had directed issuance of NBW. Pursuant to which, the second petitioner and the fifth petitioner were arrested on 24.11.2021 and they were produced before the trial court and they are in custody now.

2. Learned counsel for the petitioners would further submit that in this case, there are totally 14 depositors. The petitioners are alleged to have collected Rs.33,30,000/- from 14 depositors and in fact, the petitioners have settled the dispute in respect of seven depositors and they have received the amount towards settlement and given full quit, whereas the remaining seven depositors insisted for payment of interest on the deposits and thereby, there was a dispute. The trial court finding that the matter has not been settled in respect of seven depositors, had found the petitioners guilty and convicted them as stated above and also directed the payment of fine of Rs.12,60,000/- to be disbursed to the depositors.



3. Learned counsel for the petitioners would further submit that since the remaining seven depositors raised the dispute and insisted for payment of interest, the petitioners without prejudice, have also deposited amount of Rs.14,45,000/- by way of two Demand Drafts in favour of the District Revenue Officer, Erode dated 16.04.2021 and 23.04.2021. However, due to pandemic situation and the poor financial condition, the petitioners were unable to deposit the fine amount. Meanwhile, the second and fifth petitioner were having been arrested and remanded to judicial custody.

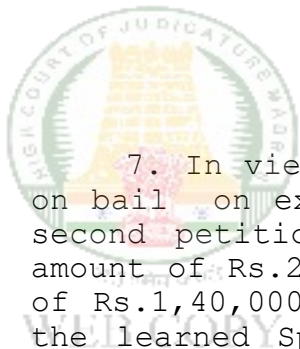
4. He would further submit that if sentence is suspended and some time is granted to the petitioners, they will be able to deposit the proportionate fine amount before the trial court. He would submit that in respect of the Company, the first and second petitioners are liable to pay Rs.4,20,000/- as proportionate fine amount and the fifth petitioner is liable to pay the proportionate fine of Rs.2,80,000/-. He would submit that the petitioners undertake to deposit 50% of the fine amount which make out to Rs.2,10,000/- on behalf of the first and second petitioners and Rs.1,40,000/- in respect of the fifth petitioner. He would further submit that he is not pressing the application in respect of the third and fourth petitioners. Learned counsel for the petitioners would further submit that the petitioners are also taking steps to settle the amounts to the depositors.

5. Mr.S.Sugendran, learned Government Advocate (Criminal Side) appearing for the petitioner would submit that this Court had directed the petitioners to deposit fine amount. However, since they have not deposited the fine amount, this Court had directed the issuance of warrant, pursuant to which, the second and fifth petitioners have been arrested on 24.11.2021.

6. Taking into consideration the fact that out of 14 depositors, seven depositors have been settled and the petitioners have also deposited the principal amount in respect of the remaining depositors and further they have also given undertaking to deposit the proportionate fine amount within a specified period, this Court of the opinion that the substantive sentence of imprisonment alone can be suspended under the following conditions. Accordingly, till the disposal of the Criminal Appeal, suspension of sentence and bail are granted, on the following conditions :-

i. The petitioners 2 and 5 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the Special Judge, Special Court under TNPID Act, Coimbatore.

ii. The petitioners 2 and 5 shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.



7. In view of the petitioners 2 and 5 are ordered to be released on bail on executing a bond for Rs.25,000/- with two sureties, the second petitioner on behalf of the Firm and himself shall deposit amount of Rs.2,10,000/- and the fifth petitioner shall deposit amount of Rs.1,40,000/- to the credit of C.C.No.28 of 2013 on the file of the learned Special Judge, Special Court under TNPID Act, within a period of four weeks from the date of their release from jail. If the abovesaid amounts are not deposited by the petitioners within four weeks from the date of their release from prison, the suspension of sentence granted shall be automatically cancelled and the trial court shall issue NBW for securing them and remanding them to judicial custody.

8. The Criminal Miscellaneous Petition is ordered accordingly.

-sd/-

01/12/2021

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.P.KANNAN KUMAR Advocate on payment of necessary charges SR.NO.13834

Order
in
CRL MP.8278/2021
in
CRL A.391/2021

Date :01/12/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
JPA 02/12/2021