



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.M.P.No.8212 of 2021

in Crl.A.No.386 of 2021

P.Kanagaraj

... Petitioner/Appellant

Vs.

The State
Rep. by the Inspector of Police,
Economic Offences Wing- II,
Coimbatore

... Respondent/Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., seeking to suspend the sentence imposed on him in the Judgment passed in C.C.No.48 of 2008 dated 22.07.2021 by the Special Court under T.N.P.I.D. Act, Coimbatore, pending disposal.

For Petitioners : Mr.D.Mario Johnson

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

ORDER

(The case has been heard through video conference)

This petition has been filed seeking to suspend the sentence of imprisonment imposed on the petitioner 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 which, A1/Firm was imposed fine of Rs.1,000/- under Section 5 of TNPID Act and A2 to A5 were ordered to pay the fine amount imposed on A1/Firm, in default, to undergo a further period of one year simple imprisonment. Further, A2 to A5 were convicted and sentenced to undergo simple imprisonment for a period three years and to pay a fine of Rs.1,000/- for the offence under Section 5 of TNPID Act, in default, to undergo simple imprisonment for a further period of one year and the sentences were ordered to run concurrently.

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 in A1/Firm, under a false promise of giving higher rate of interest and subsequently, they failed to pay the same on the date of maturity and thereby, the accused were charged for the offence under Section 5 of TNPID Act.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that there are several arguable points and that the petitioner is advised that he has got a good case for acquittal. He would further submit that on the petition filed by the petitioner and other accused, the trial Court has suspended the sentence imposed on them for a period of one month i.e. upto 21.08.2021 and that the fine amount has already been paid on 22.07.2021. He would further submit that co-accused/A1 to A3 in this case have been granted suspension of sentence by this Court vide Crl.M.P.No.7967 of 2021 by order dated 18.08.2021. Hence, he would pray that the substantive sentence of imprisonment imposed against the petitioner may be suspended.

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

5. In view of the above, the substantive sentence of imprisonment alone is suspended on the following conditions:-

(i) The petitioner is directed to be enlarged on bail on condition that the petitioner 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 petitioner 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/-

23/08/2021

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

COPY TO:-

THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

C.C. to M/S. D.MARIO JOHNSON Advocate on payment of necessary
charges SR.8889

Order

in
CRL MP.8212/2021

in
CRL A.386/2021

Date :23/08/2021

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

RVR 24/08/2021