



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Seventeenth day of December Two Thousand Twenty One

WEB COPY

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.12968 of 2021

IN CRL RC.359/2021

SRIMAN @ V.NARAYANAN

[ PETITIONER / PETITIONER ]

Vs

STATE REP BY ITS  
THE INSPECTOR OF POLICE,  
E.O.W. POLICE-II,  
VILLUPURAM DISTRICT.  
CRIME NO.2 OF 2014.

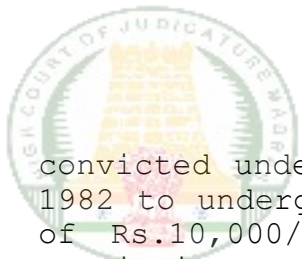
[ RESPONDENT / RESPONDENT ]

Petition praying that in the circumstances stated therein the High Court will be pleased to MODIFY the order directing the Petitioner to deposit Rs.5/- Lakhs on the undertaking given by the Petitioner and further sum of Rs.6,18,950/- on or before 08.12.2021 passed on 08.06.2021 in Crl.M.P.No.6092 of 2021 in Crl.R.C.No.359 of 2021 on the file of this Hon`ble Court

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S. K.V.SRIDHARAN, Advocate for the petitioner and of M/S.S.SUGENDRAN, Govt. Advocate ( Crl. Side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed to modify the order of this Court, dated 08.06.2021 made in Crl.M.P.No.6092 of 2021 in Crl.R.C.No.359 of 2021, directing the petitioner to deposit Rs.5.00 lakhs on the undertaking given by the petitioner and to deposit further sum of Rs.6,18,950/- on or before 08.12.2021.

2. The learned counsel for the petitioner would submit that on the complaint given by the subscribers of "Sriman V.Narayana yadav Chits (Pvt.) Ltd.," run by the petitioner/accused, a case was registered in Crime No.2 of 2014 by the respondent. After completion of investigation, the respondent filed a final report wherein the petitioner was arrayed as A1. As per the prosecution, the amount alleged to be cheated is Rs.11,18,950/-. The case was taken up for trial in C.C.No.23 of 2015 on the file of the learned Chief Judicial Magistrate, Villupuram and the petitioner was found guilty and



convicted under Section 420 of IPC r/w. 4 and 76 of Chit Fund Act, 1982 to undergo Rigorous Imprisonment for 7 years and to pay a fine of Rs.10,000/-. A2 in this case was acquitted. Against the conviction and sentence imposed, the petitioner preferred an appeal in C.A.No.3 of 2021. The appellate Court dismissed the appeal and confirmed the conviction and sentence passed by the Court below. Further, a separate sentence was awarded for the offence under Section 4 r/w 76 of Chit Fund Act, 1982, to undergo 2 years Rigorous Imprisonment. Aggrieved by the order passed by the appellate Court, the petitioner preferred the present revision in CrI.R.C.No.359 of 2021 along with a petition for suspension of sentence in CrI.M.P.No.6092 of 2021 before this Court.

3. The petitioner on an assurance given by some of his relatives to settle the amount, has given an undertaking before this Court to settle the amount to the subscribers and based on the undertaking given by the petitioner, this Court granted suspension of sentence on 08.06.2021 on condition that the petitioner deposits a sum of Rs.5.00 lakhs to the credit of C.C.No.23 of 2015 at the time of execution of sureties. This Court had also directed the petitioner to pay the balance amount of Rs.6,18,950/- by 08.12.2021. Thereafter, the relatives who have given assurance to the petitioner, did not keep up their assurance and thereby the petitioner was unable to raise the amount to settle the issue as he is languishing in jail. The petitioner with great difficulty, has now arranged Rs.5.00 lakhs to deposit at the time of furnishing sureties. The learned counsel would further submit that only after coming out from custody, the petitioner will be able to settle the balance amount. The learned counsel would reiterate that right from the conviction passed on 21.04.2021 in CA No.3 of 2021, he has been in custody for more than eight months, thereby he would seek for modification of conditional order of this Court, dated 08.06.2021.

4. Mr.S.Sugendran, learned Government Advocate (CrI. Side) would submit that only based on the undertaking given by the petitioner that he would deposit Rs.5.00 lakhs at the time of furnishing sureties and pay the balance amount of Rs.6,18,950/- on or before 08.12.2021, this Court was pleased to grant bail. He would submit that the petitioner had also undertaken to compromise the matter and settle the issue with the subscribers of the Chit Fund Pvt. Ltd.,

5. In reply, Mr.K.V.Sridharan, learned counsel for the petitioner would submit that as he has been in jail for the past eight months, he was unable to arrange money and settle the issue. If the condition is modified, he would take steps to settle the balance amount.



6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials on record.

7. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that since the petitioner is languishing in jail, he is unable to deposit the amount, this Court is inclined to modify the condition imposed on 08.06.2021. Accordingly, till the disposal of the Criminal Revision, the reliefs of suspension of sentence and bail are granted, on the following conditions :

i. 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 Chief Judicial Magistrate, Villupuram and at the time of execution of sureties, the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of C.C.No.23 of 2015.

ii. The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., pending revision;

iii. It is made clear that if there is any compromise arrived, the petitioner is at liberty to file appropriate petition seeking to compound the offence.

8. The Criminal Miscellaneous Petition stands ordered accordingly.

-sd/-  
17/12/2021

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 PRINCIPAL SESSIONS JUDGE,  
VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE,  
VILLUPURAM.

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

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, CUDDALORE.

+1C.C. to M/S. K.V.SRIDHARAN Advocate on payment of necessary  
charges SR.NO.15054

Order

in  
CRL MP.12968/2021

in  
CRL RC.359/2021

Date :17/12/2021

From 7.2.2001 the Registry is issuing certified  
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MK:17/12/2021