



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Ninth day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.1739 of 2021
in
CRL A(MD)No.97 of 2021

G.KRISHNAKUMAR

... PETITIONER/APPELLANT/
ACCUSED-5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THENI.
CRIME NO.30/2006

... RESPONDENT/RESPONDENT/
COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed in C.C.No.49/2008 dated 19.02.2021 by the learned Special Judge, Special Court under TNPID Act Cases, Madurai and enlarge the petitioner on bail pending disposal of the main Criminal Appeal.

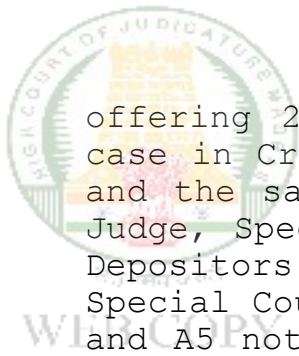
PRAYER IN CRL A(MD)No.97 of 2021:

Pleased to call for the records and set aside the conviction and sentence imposed in C.C.No.49 of 2008 dated 19.02.2021 by the learned Special Judge, Special Court under TNPID Act Cases, Madurai in so far the appellant is concerned.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.S.RAVI, Advocate for the petitioner and of Mrs.S.BHARATHI Government Advocate, on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Sessions Judge, Special Court for TNPID Act Cases, Madurai in CC.No.49 of 2008 dated 19.02.2021, till the disposal of the criminal appeal.

2.The petitioner is A5 in the case. The case against the petitioner and others is that A1 is a Financial Establishment. A2 to A6 were running the Financial Establishment. A2 to A6 enticed the public to make some deposit in their Financial Establishment



offering 21 to 24% interest and subsequently, cheated them. The case in Crime No.30 of 2006 was registered by the respondent police and the same was taken on file as CC.No.49 of 2008 by the Special Judge, Special Court under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act 1997, Madurai. The Special Court, after conducting enquiry, found the accused A1, A2, A3 and A5 not guilty under Sections 420 and 120 (B) of IPC and found the accused A2, A3, A5 guilty under Section 406 of IPC and sentenced them to undergo rigorous imprisonment for a period of one year each for each count under Section 406 of IPC (4 counts) and sentenced them to undergo rigorous imprisonment for a term of 4 years each for each count (4 counts) and to pay fine of Rs.1500/- each for each count under Section 5 of TNPID Act in default of payment of fine sentenced to undergo rigorous imprisonment for six months. Against the conviction and sentence, the petitioner filed Crl.A.No.97 of 2021. Along with the appeal, the petitioner filed this petition for suspension of sentence.

3. On the side of the petitioner, it is stated that out of 14 depositors, 10 depositors were already refunded their amount with interest. The payment for P.W.9 to P.W.12 alone is pending. The amount deposited by the petitioner is pending before the Court. It is further stated that A6 is absconding and A5 had undergone by-pass surgery and prayed the sentence to be suspended.

4. On the side of the respondent it is stated that the offence against the petitioner is serious in nature. The receipts were marked as Ex.P.2 (A), 4, 6, 8 and the complaint is marked as Ex.P.1. (A), 3, 5, 7. The prosecution has examined 16 witnesses and marked 11 Exhibits. The total amount involved in the case is Rs.35,02,700/-. Totally 15 persons deposited a sum of Rs.22,05,000/- and the amount due with interest is Rs.35,00,000/- and prayed the petition to be dismissed.

5. It is stated that the petitioner had undergone by-pass surgery. It is seen that there are some arguable points for consideration in the appeal. There is no likelihood of the appeal to be taken up for final hearing in the near of future. Hence, this Court is inclined to suspend the sentence, till the disposal of the appeal.

6. Accordingly, Crl.M.P(MD).No.1739 of 2021 is allowed and the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:

- (i) the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Special

<https://hcservices.tamilnadu.gov.in/hcservices> Special Court for TNPID Act Cases, Madurai.



(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their valid identity card to ensure their identity.

(iii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision case or until further orders.

sd/-
09/03/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SPECIAL JUDGE,
SPECIAL COURT UNDER TNPID ACT CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THENI.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.1739 of 2021
in
CRL A(MD) No.97 of 2021
Date : 09/03/2021

RMK
TK/PN/SAR.4/12.03.2021/3P/5C