



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

Thursday, the Eighteenth day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.2154 of 2021
IN
CRL.A(MD)NO.130 of 2021

R.RAVEENDRAN

... PETITIONER/APPELLANT

Vs

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

... RESPONDENT/RESPONDENT

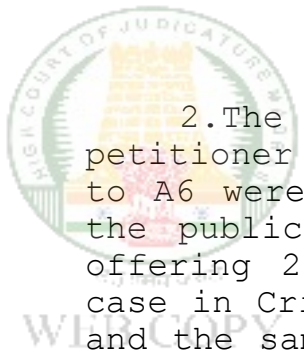
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence of Imprisonment imposed by the Learned Special Judge, Special Court of TNPID Act Cases, Madurai in Calendar Case No.49 of 2008 by the Judgment dated 19.02.2021 and enlarge the petitioner/Appellant on bail pending disposal of the above said Criminal Appeal.

PRAYER IN CRL.A(MD)NO.130 of 2021:

Pleased to call for the records and to set aside the judgment and Conviction dated 19.02.2021 by the Learned Special Judge, Special Court of TNPID Act Cases, Madurai in Calendar Case No.49 of 2008 and acquit the Appellant.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.N.RANJITH, Advocate for the petitioner and of MR.KR.BHARATHI KANNAN, Government Advocate, on behalf of the Respondent, while admitting the Criminal Appeal, 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 A3 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 C.C.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.130 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, amount with interest was refunded to 10 depositors. 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 satated that this Court has granted interim bail for the petitioner from 11.03.2021 till 16.03.2021, to attend the death of the mother of the petitioner and the petitioner is obliging the order of this Court and has surrendered before the Superintendent of Central Prison, on 17.03.2021 and the petitioner is ready to oblige any condition imposed by this Court and that the sentence against two of the accused in the case was already suspended by this Court 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 of Rs.35,00,000/- and prayed the petition to be dismissed.

5. Already sentence against the co-accused was suspended by this Court. 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.2154 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 Judge, 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/-

18/03/2021

/ TRUE COPY /

/ /2021

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

Ls

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE SPECIAL JUDGE
SPECIAL COURT FOR 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.

+1cc Mr.N.Ranjith, Advocate Sr.No.2285(19/03/2021)

ORDER

IN

CRL MP(MD) No.2154 of 2021

IN

CRL.A(MD)NO.130 of 2021

Date :18/03/2021