



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

Friday, the Thirtieth day of April Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3188 of 2021
IN
CRL A(MD) No.195 of 2021

P.ILANTHAMIZHAN

... PETITIONER/APPELLANT/ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING,
TRICHY DISTRICT, TRICHY.
CRIME NO.2 OF 2005.

... RESPONDENT/RESPONDENT/COMPLAINANT

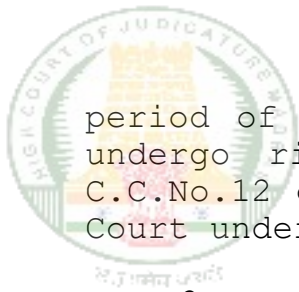
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence imposed on the Appellant vide Judgment dated 16.3.2021 made in CC.No.12 of 2013 on the file of the Special Court Under the Tamil Nadu Protection of Interest of Depositors(in Financial Establilshments) Act,1997, Madurai and enlarge him on bail pending disposal of the above Criminal Appeal.

Prayer in CRL A(MD) No.195 of 2021:

To set aside the Judgment dated 16.3.2021 made in CC.No.12 of 2013 on the file of the Special Court Under the Tamil Nadu Protection of Interest of Depositors (In Financial Establilshments) Act,1997, Madurai in so far as the conviction and sentence as against 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 MR.BALAJI A, Advocate for the petitioner and of MR.A.ROBINSON, Government Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 5 of TNPID Act and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default to undergo rigorous imprisonment for a period of three months and for the alleged offence under Section 420 of the Indian Penal Code, 1860, sentenced him to undergo rigorous imprisonment for a



period of one year and to pay a fine of Rs.1,000/-, in default to undergo rigorous imprisonment for a period of three months in C.C.No.12 of 2013 on the file of the learned Special Judge, Special Court under TNPID Act Cases, Madurai.

2.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He further submitted that already the amount was refunded towards the depositors.

3.It is submitted by the learned Government Advocate (Crl.side) that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and he strongly opposed to grant suspension of sentence.

4.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

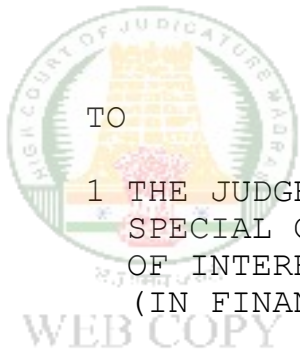
5.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

6.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that 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 Special Court under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishments) Act, 1977, Madurai, and on further condition that the petitioner shall appear before the concerned Court on the first working day of every month at 10.30 a.m. pending appeal.

sd/-
30/04/2021

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



TO

1 THE JUDGE,
SPECIAL COURT UNDER THE TAMIL NADU PROTECTION
OF INTEREST OF DEPOSITORS
(IN FINANCIAL ESTABLISHMENTS), MADURAI.

2 THE INSPECTOR OF POLICE
ECONOMIC OFFENCES WING,
TRICHY DISTRICT, TRICHY.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.3188 of 2021
IN
CRL A(MD) No.195 of 2021
Date :30/04/2021

vsd
JM/VR/SAR I/03.05.2021/3P/4C