



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

Tuesday, the Twentieth day of July Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3832 of 2021
in
Crl.A(MD)No.238 of 2021

R.VALARMATHI

... PETITIONER/ APPELLANT/ ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OR POLICE,
ECONOMIC OFFENCES WING-II,
MADURAI, MADURAI DISTRICT.
CRIME NO.4/2017

... 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 petitioner/appellant /accused in C.C.NO.11/2019 dated 22/04/2021 on the file of the Learned District Special Judge(Under TNPID Act), Madurai and enlarged the petitioner on bail pending disposal of the above said Criminal Appeal.

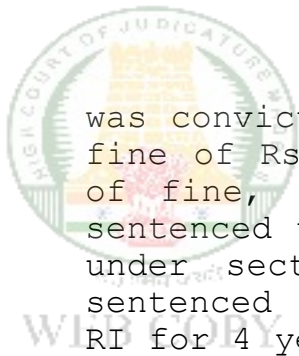
PRAYER IN Crl.A(MD)No.238 of 2021:

To set aside the judgment and Conviction dated 22.04.2021 by the learned Special Judge, Special Court of TNPID Act Cases, Madurai in Calendar Case No.11 of 2019 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 Mr.P.SENGUTTARASAN, Advocate for the petitioner and of Mr.P.KOTTAI CHAMY, Counsel for State Government (Criminal Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner/appellant/A2 in CC No.11 of 2019, dated 22.04.2021 passed by the District Special Court under TNPID Act cases, Madurai and enlarge the petitioner on bail pending disposal of the criminal appeal.

2.The learned counsel appearing for the petitioner/A2 submitted that the petitioner was convicted by the trial court for the offence under sections 406, 420 IPC and section 5 of TNPID Act and Section 4 of Prize Chits and Money Circulation Scheme (Banning) Act and she



was convicted and sentenced to undergo RI for one year and to pay a fine of Rs.1,000/- under section 406 of IPC, in default of payment of fine, sentenced to undergo RI for a period of 3 months and sentenced to undergo RI for 4 years and to pay a fine of Rs.5,000/- under section 5 of TNPID Act, in default of payment of fine, sentenced to undergo RI for 6 months and also sentenced to undergo RI for 4 years and to pay a fine of Rs.5,000/- under section 420 IPC and in default, to under to RI for 1 year and under section 4 of Prize Chits and Money Circulation Scheme (Banning) Act to undergo one year RI and directed the sentences to run concurrently.

3.The learned counsel appearing for the petitioner/A2 further submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and that there are several infirmities in the prosecution case and there are contradictions in material particulars between the evidence of the prosecution witnesses and prays for suspension of sentence.

4.It is submitted by the learned counsel appearing for the State that the trial court on proper appreciation of evidence both oral and documentary, has rightly convicted the petitioner and there are enough materials available on record against the petitioner and there is no infirmity in the prosecution case and prays for dismissal of this petition.

5.This court has carefully considered the rival contentions put forth on either side and also perused the materials available on record.

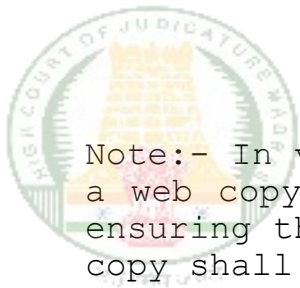
6.It is seen from the records that in this case, all the accused persons, after receipt of money from various depositors, committed default in repaying the amount. On the basis of the complaint given by the depositors, a case in Crime No.4 of 2017 was registered for the offence under section 5 of TNPID (Financial Establishment) Act, 1997 and Sections 406, 420 and 120-B IPC. In this case, the promissory notes executed by this petitioner, were marked as Exs.P4 and P6. On perusal of the promissory notes, it is seen that the signature found in the promissory notes were that of the petitioner herein namely Valarmathi. Further, the offence committed by the accused persons are serious in nature.Under these circumstances, this court is not inclined to grant suspension of sentence to the petitioner.

7.Accordingly, this Criminal Miscellaneous Petition is dismissed.

sd/-
20/07/2021

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



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.

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- TO
- 1 THE SPECIAL JUDGE,
SPECIAL COURT OF TNPID ACT CASES,
MADURAI.
 - 2 THE INSPECTOR OR POLICE,
ECONOMIC OFFENCES WING-II,
MADURAI, MADURAI DISTRICT.
 - 3 THE SUPERINTENDENT,CENTRAL PRISON FOR WOMEN,
MADURAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP (MD) No.3832 of 2021
IN CrI.A(MD)No.238 of 2021
Date :20/07/2021

ER
MS/VR/SAR-3/28.07.2021/3P.5C