



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

Tuesday, the Third day of August Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

**CRL MP(MD) No.4022 of 2021
and
CRL A(MD) No.250 of 2021**

R.SURESH KUMAR

... PETITIONER/APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ECONOMIC OFFENCES WING II,
MADURAI. CR.NO.1/2012.

... RESPONDENT/ RESPONDENT

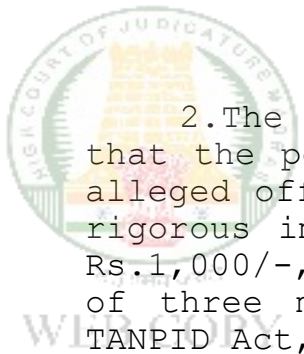
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed in C.C.No.32/2013 dated 21.04.2021 by learned Special Court under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act 1997, Madurai, and enlarge the petitioners on bail pending disposal of main criminal appeal.

Prayer in CRL A(MD). 250/ 2021 :-

To call for the records set aside the conviction and sentence passed in C.C.No.32 of 2013 dated 21.04.2021 by learned Special Court under the Tamil Nadu Protection of Interest of Depositors(In Financial Establishment) Act 1997).

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.MUTHU GANESA PANDIAN, Advocate for the petitioner and of MR.RMS.SETHURAMAN, Counsel for state, (Crl Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed in C.C.No.32 of 2013, dated 21.04.2021 by the Special Court under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act 1997, Madurai and enlarge the petitioner on bail pending disposal of the Criminal Appeal.



2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Judge, for the alleged offence under Section 406 IPC, and sentenced him to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.1,000/-, in default to undergo rigorous imprisonment for a period of three months and for the alleged offence under Section 5 of TANPID Act, and sentenced him to undergo rigorous imprisonment for a period of 4 years and to pay fine of Rs.10,000/-, in default to undergo rigorous imprisonment for a period of six months in C.C.No.32 of 2013 on the file of the learned Special Judge, Special Court under TNPID Act Cases, Madurai.

3.It is submitted by the learned counsel appearing 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 and he prayed for suspension of sentence.

4.It is submitted by the learned counsel appearing for State Government (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.

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

6.The learned counsel appearing 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.

7.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal on the following conditions:-

(i)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 TNPID Act Cases, Madurai;

(ii) the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two lakhs only) to the credit of C.C.No.32 of 2013, on the file of the learned Special Judge, Special Court under TNPID Act Cases, Madurai on or before 17.08.2021;



(iii) and on further condition that the petitioner shall appear before the said Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending appeal.

8. Post the matter on 18.08.2021 under the caption 'For Reporting compliance'.

sd/-

03/08/2021

/ TRUE COPY /

/ /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.

TO

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

ORDER

IN

CRL MP(MD) No.4022 of 2021

and

CRL A(MD) No.250 of 2021

Date : 03/08/2021

vsd

RT/JM/SAR-III/04.08.2021/3P/5C