



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

Friday, the Third day of September Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.6547 of 2021

IN

CRL A(MD) No.238 of 2021

VALARMATHI

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ECONOMIC OFFENCES WING,
MADURAI
(CRIME NO. 4 OF 2017)

... 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 for TNPID Act Cases, Madurai Made in C.C.No. 11 of 2019 by the judgement dated 22.04.2021 and enlarge the petitioner/accused on bail.

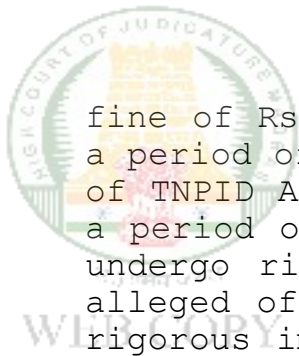
PRAYER IN Crl.A(MD)No.238 of 2021:

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.SENGUTTUARASAN, 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 on the petitioner in C.C.No.11 of 2019, dated 22.04.2021 by the learned Special Judge, Special Court under TNPID Act Cases, Madurai and enlarge the petitioner/accused 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 learned trial judge, for the alleged offence under Section 406 IPC and sentenced her 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 5 of TNPID Act and sentenced her to undergo rigorous imprisonment for a period of 4 years and to pay a fine of Rs.5,000/-, in default to undergo rigorous imprisonment for a period six months and for the alleged offence under Section 420 IPC and sentenced her to undergo rigorous imprisonment for a period of 4 years and to pay a fine of Rs.5,000/-, in default to undergo rigorous imprisonment for a period of 1 year and for the alleged offence under Section 4 of Prize Chits and Money Circulation Scheme (Banning) Act and sentenced her to undergo rigorous imprisonment for a period of one year in C.C.No.11 of 2019 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 learned Special Judge, Special Court under TNPID Act Cases, Madurai;

(ii)the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five lakhs only) to the



credit of C.C.No.11 of 2019, on the file of the learned Special Judge, Special Court for TNPID Act Cases, Madurai within a period of four weeks from the date of receipt of a copy of this order, failing which this petition shall stand dismissed automatically without further reference to this Court;

(iii) and on further condition that the petitioner shall appear before the said Court daily at 10.30 a.m. pending appeal.

sd/-
03/09/2021

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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.

TO

1. THE SPECIAL JUDGE
SPECIAL COURT FOR TNPID ACT CASES, MADURAI.
2. THE OFFICER INCHARGE
SPECIAL PRISON FOR WOMEN, MADURAI.
3. THE INSPECTOR OF POLICE
ECONOMIC OFFENCES WING,
MADURAI
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER

IN

CRL MP(MD) No.6547 of 2021
IN
CRL A(MD) No.238 of 2021
Date : 03/09/2021

SA/PN/SAR.1/06.09.2021/3P/5C