



Crl.M.P.No.7244 of 2022 in Crl.A.No.551 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.7244 of 2022

in

Crl.A.No.551 of 2022

1.M/s. J.P.R. Emu Agri Farms India Pvt.Ltd.,
Rep.by A2.

2.J.Padmanabhan

... Petitioners

Versus

State rep. by
The Inspector of Police,
Economic Offenses Wing -II,
Coimbatore.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to suspend the sentence and enlarge the bail to the petitioner/appellant for the conviction and sentence imposed in C.C.No.21 of 2014, dated 07.09.2020, on the file of the Special Judge, Special Court under TNPID Act, Coimbatore.

For Petitioner : Mr. C. Iyyappraj

For Respondent : Mr. S. Vinoth Kumar,
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition is to suspend the sentence and
enlarge the bail to the petitioner/appellant for the conviction and sentence



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imposed in C.C.No.21 of 2014, dated 07.09.2020, on the file of the Special Judge, Special Court under TNPID Act, Coimbatore, pending disposal of the above appeal.

2.Heard the learned Counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

3.Learned Counsel for the petitioner would submit that in this case, the petitioner praying for suspending the substantial sentence of imprisonment, which is maximum of five years and also the fine amount. According to the learned counsel for the petitioner, the total fine amount payable as far as the petitioner herein is concerned, Rs.18,75,000/-. Therefore, he prayed this Court that to suspend both the sentence imprisonment as well as the fine amount and to consider the fact that the petitioner/accused in prison from the date of Judgment i.e.,07.09.2020.

4.Per contra, the learned Government Advocate (Crl. Side), would submit that in this case, appropriate conditions have to be imposed on the accused, since the amounts has to be released from the accused, in respect



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of the victims.

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5.Considering the rival submissions made on behalf of either side, since the petitioner/accused prays for suspending the sentence and fine amount also, this Court is of the view that at least 50% of the fine amount has to be paid. At this juncture, the learned counsel for the petitioner would submit that the petitioner is ready to pay 50% of the fine amount by two installments.

6.Considering the nature of allegations and the prayer made as above, I am of the view that this is a fit case for grant of suspension of sentence, for suspending the substantial portion of the sentence imprisonment as well as the payment of fine amount, pending disposal of the appeal and accordingly, the sentence is suspended on the following conditions:-

(a) the petitioner/accused shall enlarged on bail, on his deposit of Rs.4,50,000/- (Rupees Four Lakh Fifty Thousand only) to the credit of C.C.No.21 of 2014, on the file of the Special Judge, Special Court under TNPID Act, Coimbatore;



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(b) the petitioner being enlarged on bail, shall deposit the another amount of Rs.4,50,000/- (Rupees Four Lakh Fifty Thousand only) to the credit of C.C.No.21 of 2014, on the file of the Special Judge, Special Court under TNPID Act, Coimbatore, within a period of four weeks from the date of release on bail;

(c) the petitioner is ordered to be released on bail also, on executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Superintendent of Police, Central Prison, Coimbatore;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar Cards or Bank Pass books to ensure their identities;

(c) 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 Criminal Revision and if he is not able to appear before the



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Trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

7. This Criminal Miscellaneous Petition is ordered accordingly.

25.07.2022

Index : yes/no

Speaking order/Non-speaking order

klt

To

- 1.The Special Judge, Special Court under TNPID Act, Coimbatore.
- 2.The Inspector of Police, Economic Offenses Wing -II, Coimbatore.
- 3.The Public Prosecutor, High Court of Madras.
- 4.The Superintendent of Police, Central Prison, Coimbatore.



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D.BHARATHA CHAKRAVARTHY. J.,

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