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Crl.M.P.No.6755 of 2022 in Crl.A.No.715 of 2021

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Crl.A.No.715 of 2021

D.BHARATHA CHAKRAVARTHY.J.

This miscellaneous petition is filed seeking to modify the conditions imposed by this court in Crl.M.P.No14354 of 2021 in Crl.A.No.715 of 2021 by order dated 02.02.2022 in and by which this court had directed the petitioner (A4) to deposit the entire fine amount as ordered by the trial court as a condition for suspending the sentence.

2. Heard both sides.

3. The learned counsel for the petitioner submitted that as a matter of fact, the petitioner had sought for suspension of sentence both substantive as well as fine. However, even though the order was passed on 02.02.2022, for the past five months, the petitioner is unable to mobilize the fine amount and therefore, he has been remaining in the prison. The learned counsel further submitted that the said fact by itself would stand as testimony for his inability to pay the entire fine amount. He, therefore, prayed for modification of the conditions as the condition originally imposed clearly turns out to be onerous for the petitioner to comply with.



Crl.M.P.No.6755 of 2022 in Crl.A.No.715 of 2021

4. Per contra, the learned Government Advocate (Criminal Side) submitted that the purpose of the prosecution of the petitioner itself is to recovery the money and to redistribute to the victims in the case. There are no properties available for attachment and only movables to the tune of Rs.10,00,000/- approximately which were attached and sold are available. Therefore, the learned Government Advocate submitted that the in event of this court intending to modify the conditions imposed by this court earlier, even then, appropriate conditions should be imposed to see that some money is realized.

5. In view of the said submission, when the learned counsel for the petitioner was given an opportunity to come up with the amount, the learned counsel submitted that the petitioner will be able to pay a sum of Rs.5,00,000/- before his release and would be able to pay another sum of Rs.20,00,000/- in two equal monthly installments after his release.

6. In view thereof, considering the situation prevailing in the case that even after the grant of suspension of sentence and bail in the month of February, 2022, till date, the petitioner is unable to comply with the condition, I am of the view that this case can be treated as a special case



Crl.M.P.No.6755 of 2022 in Crl.A.No.715 of 2021

where the conditions imposed by this court requires modification.

WEB COPY

7. Accordingly, the conditions imposed in paras 7(ii) and 7(iii) of the order dated 02.02.2022 in Crl.M.P.No.14354 of 2021 in Crl.A.No.715 of 2021 are modified inasmuch as an amount of Rs.25,00,000/- and Rs.68,50,000/- are directed to be deposited and the petitioner instead shall deposit a total sum of Rs.25,00,000/- in the following manner:

(i) the petitioner shall pay a sum Rs.5,00,000/- upon which the petitioner shall be enlarged on bail;

(ii) after the petitioner being enlarged on bail, within a period of one from the date of release, the petitioner shall deposit another sum of Rs.10,00,000/- ;

(iii) the petitioner shall deposit a further sum of Rs.10,00,000/- within a period two months from the date of his release on bail;

(iv) the amounts as directed above shall be deposited to the credit of the case in C.C.No.21 of 2012 on the file of the Special Court under TNPID Act, Coimbatore.

(v) upon such deposit, the competent authority under the TNPID Act can approach the trial court for the distribution of the amounts deposited by



Crl.M.P.No.6755 of 2022 in Crl.A.No.715 of 2021

the petitioner along with the amount already realized from out of the sale of movable to the victims on pro-rata basis as per law.

(vi) The other conditions imposed in Crl.M.P.No14354 of 2021 in Crl.A.No.715 of 2021 by order dated 02.02.2022 shall stand unaltered;

(vii) It is made clear that there will be no further extension of time and if the petitioner fails to deposit the amounts as mentioned hereinabove within the time frame, the suspension of sentence and the bail granted to the petitioner shall stand automatically vacated without any reference to this court.

This Miscellaneous Petition is ordered accordingly with the above modifications.

25.07..2022

Index : yes/no
Speaking order/Non-speaking order
kmk
To

- 1.The Special Judge, Special Court under TNPID Act, Coimbatore.
- 2.The Dy. Superintendent of Police, EOW-II Unit, Erode, Tamil Nadu.
- 3.The Superintendent of Central Prison, Coimbatore.
- 4.The Public Prosecutor High Court, Madras.



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Crl.M.P.No.6755 of 2022 in Crl.A.No.715 of 2021

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