



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.7206 of 2022

in Crl.A.No.548 of 2022

Murugesan

... Petitioner

Versus

State rep. By
The Deputy Superintendent of Police,
Economic Offence Wing-II,
Salem.
Crime No.15 of 2012

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to suspend the sentence imposed on the petitioner by the Special Judge, Special Court under TNPID Act cases at Coimbatore by judgment passed in C.C.No.13 of 2014, dated 18.05.2022 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.M.Rajasekar

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

ORDER

This Criminal Miscellaneous Petition is to suspend the sentence imposed on the petitioner by the Special Judge, Special Court under TNPID Act cases at Coimbatore by judgment passed in C.C.No.12 of 2014, dated 18.05.2022 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

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

3. The learned Counsel for the petitioner, taking this Court through the judgment of the Trial Court, would submit that the Trial Court erroneously convicted the petitioner, who had no actual control of the affairs of the first respondent therein. He would submit that



inspite of the petitioner settling the money of the depositors, which is even recorded by the Trial Court in paragraph No.36 of its judgment, dated 18.05.2022, without taking into account of the same and without considering the fact that the petitioner is not the actual beneficiary, imposed a huge fine of Rs.84,00,000/- and therefore, he would pray for the suspension of both the sentence of imprisonment as well as the fine amount.

4. Per contra, the learned Government Advocate (Crl. Side) would submit that even this Court is inclined to suspend the sentence, as regards the payment of fine, atleast the major portion of the fine amount should be ordered to be paid.

5. I have considered the rival submissions made of either side and perused the material records of the case. It is seen that totally, a sum of Rs.84,00,000/- is imposed as fine on the petitioner. He has already paid some of the victims, as recorded in the paragraph No.36 of the judgment of the Trial Court, which approximately works out to Rs.30,00,000/-. Considering the said sum already paid, this Court is inclined to suspend the sentence of fine amount also, upon the petitioner depositing a sum of Rs.25,00,000/-, upon which he is entitled to release on bail and I am also of the view that this is a fit case for suspending the substantive sentence of imprisonment, pending the disposal of the Appeal. Therefore, both the substantive sentence of imprisonment and sentence of fine amount are suspended on the following conditions:-

(a) The petitioner shall deposit upfront a sum of Rs.15,00,000/- to the credit of C.C.No.13 of 2014 on the file of the learned Special Judge, Special Court under TNPID Act, Coimbatore, upon which, he is entitled to release on bail;

(b) After being released on bail, another sum of Rs.10,00,000/- will be deposited within four weeks from thereon;

(c) The petitioner is ordered to be released on bail, on his 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 Trial Court;

(d) 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;

(e) 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 Case and if he is not able to appear before the 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.

WEB COPY

-sd/-

29/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE,
SPECIAL COURT UNDER TNPID
ACT CASES AT COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
ECONOMIC OFFENCE WING II,
SALEM.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 C.C. to M/S. M.RAJASEKAR Advocate on payment of necessary charges SR.NO.10337

Order

in
CRL MP.7206/2022

in
CRL A.548/2022

Date :29/06/2022

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

TA-01/07/2022