



Crl.M.P.No.7893 of 2022 in Crl.A.No.595 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.7893 of 2022

in

Crl.A.No.595 of 2022

R.Chidhambaram (40 years)

... Petitioner

Versus

The State rep. by Inspector of Police,
Economic Offences Wing – II,
Erode.
(Crime No.11/2021)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) and 439 of the Code of Criminal Procedure to suspend the sentence imposed on the petitioner by the impugned Judgment dated 27.05.2022 passed in C.C.No.12 of 2012 on the file of the learned Special Judge, Special Court under TNPID Act, 1977, Coimbatore and enlarge him on bail till the disposal of the Criminal Appeal.

For Petitioner : Mr. V.M.R. Rajentran

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

ORDER

This Criminal Miscellaneous Petition is to suspend the sentence imposed on the petitioner by the impugned Judgment dated 27.05.2022 passed in C.C.No.12 of 2012 on the file of the learned Special Judge,



Crl.M.P.No.7893 of 2022 in Crl.A.No.595 of 2022

Special Court under TNPID Act, 1977, Coimbatore and enlarge him on bail till the disposal of the above Criminal 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 this is the case wherein the petitioner/accused is convicted for the offense under Section 5 of the TNPID Act, 1977. Further, he would submit that the second accused viz., V.Senthilnathan, who was totally in control of the business and he is still at large and the case has been split up. Further, he would submit that the petitioner is from poor background, as far as the petitioner is concerned, the sentence was originally suspended by the Trial Court, therefore, now, the learned counsel for the petitioner prays for the suspension to continue, pending disposal of the appeal.

4.Per contra, the learned Government Advocate (Crl. Side), would submit that in any event, the prosecution has proved the offense as against the petitioner to its hilt, and therefore, the Trial Court has rightly convicted



Crl.M.P.No.7893 of 2022 in Crl.A.No.595 of 2022

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the petitioner.

5.Considering the period of conviction, and that the Trial Court itself has suspended the sentence, and considering the fact that the petitioner prays for suspension of the sentence of fine also, I am of the view that the petitioner should be made to deposit at least a portion of the fine amount. Therefore, I am of the view that the sentence of the petitioner including the sentence of fine is suspended, pending disposal of the appeal and accordingly, the sentence is suspended on the following conditions:-

(a) the petitioner is ordered to be released on bail, 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 Learned Special Judge, Special Court under TNPID Act, 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;



Crl.M.P.No.7893 of 2022 in Crl.A.No.595 of 2022

WEB COPY

(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 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.

(d) the petitioner shall deposit a sum of Rs.10 Lakh to the credit of C.C.No.12 of 2012, on the file of the Special Court under TNPID Act, Coimbatore, on or before one month from today.

(e) it is made clear that no further extension of time will be granted and the petitioner shall pay the said amount without fail, if not, it shall stand automatically vacated and the petitioner will be committed into the prison to undergo the sentence;

6. This Criminal Miscellaneous Petition is ordered accordingly.

25.07.2022

Index : yes/no

Speaking order/Non-speaking order

klt



Crl.M.P.No.7893 of 2022 in Crl.A.No.595 of 2022

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To

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



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Crl.M.P.No.7893 of 2022 in Crl.A.No.595 of 2022

D.BHARATHA CHAKRAVARTHY. J.,

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Crl.M.P.No.7893 of 2022
in
Crl.A.No.595 of 2022

**25.07.2022
(2/2)**