



Crl.M.P.No.10285 of 2022 in Crl.A.No.331 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.10285 of 2022

in

Crl.A.No.331 of 2021

1.M/s.Jai Emu Farms (P) Ltd., (A1)
represented by
Ranjithkumar (A2) and Raja (A4)
Bodinaickanpatty, Sooramangalam,
Salem – 5.

2.Ranjithkumar, A2

3.Radha, A3

4.Raja, A4

... Petitioners

Versus

State represented by
The Deputy Superintendent of Police,
Economic Offences Wing – II Unit,
Salem.
(C.C.No.13 of 2012)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of the
Code of Criminal Procedure to suspend the conviction and sentence
imposed on the petitioners in C.C.No.13 of 2013 dated 14.12.2020 on the



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file of the Special Judge, Special Court under TNPID Act, Coimbatore
pending disposal of the above Criminal Appeal.

For Petitioners : Mr.C.Prakasam

For Respondent : S.VinothKumar
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition is filed to suspend the conviction and sentence imposed on the petitioners, in C.C.No.13 of 2013, dated 14.12.2020, on the file of the Special Judge, Special Court under TNPID Act, Coimbatore, pending disposal of the above Criminal Appeal.

2. The learned counsel for the petitioners prays for suspension of sentence including payment of fine amount.

3. After instructions, the learned Government Advocate (Crl.Side) submits that already a sum of Rs.12,51,694/- is lying to the credit of the account of the competent authority in this case. The total fine amount imposed by the Trial Court is Rs.1,29,75,000/-.

4.The learned counsel for the petitioners upon being queried by this



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Court, after taking time and on instructions submitted that if enlarged on bail, within a period of four months i.e., on or before 25.11.2022, the petitioners/accused will deposit a sum of Rs.32,00,000/- to the account of the competent authority and he also on further instructions submits that the petitioners/accused have no objection for the competent authority to disburse the said amount to be deposited as well as the already existing amount to the depositors on pro-rata basis without any further application or orders from the Special court under Section 4 and 5 of the TNPID Act.

5.The learned Government Advocate (Crl.side) would submit that so far only Rs.12,51,694/- have been realised and huge amount has to be realised and therefore, prays that this Court should impose such conditions so as to safeguard the interest of the victims.

6.I have considered the rival submissions made on either sides and after considering the submissions made on behalf of the learned counsel for the petitioner, I am of the view that this is a fit case for grant of suspension of sentence pending the above appeal. Therefore, I am inclined to suspend the sentence and grant bail to the petitioners on the following



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conditions:-

(a) the petitioners are ordered to be released on bail, on they executing a bond for a sum of Rs.25,000/- each (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Trial Court;

(b) The petitioners shall also file an affidavit at the time of executing the sureties itself that they will deposit a sum of Rs.32,00,000/- on or before 25.11.2022 before the competent authority in this case;

(c) and that the affidavits will also expressly state no objection for the disbursement of the said amount of Rs.32,00,000/- to be deposited and the amount of Rs.12,51,694/- which is already lying to the credit of the account of the competent authority to be distributed to all the 173 depositors on pro-rata basis, without any formal application to the Trial Court u/s.4(5) of the TNPID Act;

(d) It is made clear that no further time extension will be granted in this matter for deposit of the said balance of Rs.32,00,000/- and if the



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petitioners fail to deposit Rs.32,00,000/- (Rupees Thirty Two Lakhs) within such time as may be granted by this Court, the suspension of sentence ordered by this Court shall stand automatically vacated without any further reference to this Court and the respondent police shall note down the date and also it will be their duty to verify that the amount of Rs.32,00,000/- is deposited on or before 25.11.2022 and if the amount is not deposited, shall file a memo before the Trial Court and obtain warrant and commit the petitioners to prison to undergo the sentence;

(e) the petitioners 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;

(f) the petitioners 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



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any other day in *lieu* of the date of his absence, as directed by the Trial Court.

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7. This Criminal Miscellaneous Petition is ordered accordingly.

27.07.2022

Index : yes/no

Speaking order/Non-speaking order

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To

1.The Special Judge, Special Court under TNPID Act, Coimbatore.

2.The Public Prosecutor, High Court of Madras.

3.The Superintendent of Police, Central Prison, Coimbatore.

4.The Deputy Superintendent of Police,
Economic Offences Wing – II Unit,
Salem.



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D.BHARATHA CHAKRAVARTHY. J.,

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