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Crl.M.P.No.11655 of 2022 in Crl.A.No.841 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.11655 of 2022 in
Crl.A.No.841 of 2022

1.P.Jeyaraman
2.S.Perumal

... Petitioners

Versus

The State Rep.by
The Inspector of Police,
EOW – II, Coimbatore,
Crime No.14 of 2005

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 (1) of the Code of Criminal Procedure to suspend the sentence imposed by the learned Special Judge, Special Court under the TNPID Act, Coimbatore in C.C.No.21 of 2021 vide judgment dated 20.07.2022 and enlarge the petitioners on bail pending the disposal of the main criminal appeal.

For Petitioners : Mr.K.P.Suresh Kumar
For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners/accused, to suspend the sentence imposed by the Special Judge, Special Court under the TNPID Act, Coimbatore, in C.C.No.21 of 2021, dated 20.07.2022 and enlarge the petitioners on bail pending the disposal of the criminal appeal.



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2. The learned counsel for the petitioners prays for suspension of sentence of both fine and sentence imposed on the petitioners.

3.The learned Government Advocate (Crl.Side) would submit that in this case, money is yet to be realised and therefore, if the petitioners undertake to pay the substantial sum, the issue itself can be resolved.

4.In reply, the learned counsel for the petitioners submitted that they are ready and willing to resolve the issue and submitted that the principal amount is Rs.9 lakhs and odd and considering the entire interest amount, the Trial Court has awarded the amount of Rs.26,40,000/-.

5.When this Court posted a query as to whether the petitioners would be inclined to deposit 50% of the said amount, the learned counsel for the petitioners fairly admits and submits that the clients are also willing to negotiate with the depositors.

6.Considering the facts and circumstances of this case, 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 conditions:-



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(a) the petitioners are ordered to be released on bail, on his 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 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 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 Appeal 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) Both petitioners shall deposit a sum of Rs.7,00,000/- each (Rupees Seven Lakhs only) to the credit of the C.C.No.21 of 2021, on the file of the Special Judge, Special Court under the TNPID Act, Coimbatore within a period of two weeks from the date of receipt of a copy of this order.



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(e) Upon deposit of the said sum of Rs.14,00,000/- (Rupees Fourteen Lakhs only), the competent authority is directed to convene a meeting of the depositors and also the petitioners and facilitate a session for negotiation, try and arrive at a final amount to be paid and if there is any agreement between both sides, report the same by way of an application under Section 5 (a) of the TNPID Act before this Court or as the case may be.

(f) The said exercise shall be completed within a period of eight weeks from the date of deposit of the amount by the petitioners and report to be submitted to this Court. It is made clear that no further extension of time for the petitioners to deposit the amount will be granted and if the petitioners fail to deposit the said amount, the suspension of sentence granted by this Court shall stand automatically vacated and the respondent police to approach the Trial Court to issue/execute warrant and commit the petitioners to prison to serve the sentence.

7. This Criminal Miscellaneous Petition is ordered accordingly.

01.08.2022

Index : yes/no

Internet: yes/no

Speaking order/Non-speaking order

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To

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

2.The Inspector of Police,
EOW – II, Coimbatore,

3.The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY. J.,

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