



Crl.M.P.13514 of 2022 in Crl.A.No.715 of 2022

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P.VELMURUGAN, J.

The Criminal Miscellaneous Petition has been filed seeking to modify the order passed in Crl.M.P.No.6755 of 2022 dated 25.07.2022 and issue a suitable direction to the 1st respondent to include the amount of Rs.5 lakhs available at Savings Bank A/c. No.241001001665573 and Current A/c.No.241007004263412 maintained at City Union Bank, Perunthurai Branch towards the amount of Rs.10 lakhs to be deposited by the petitioner.

2. The petitioner is a convicted accused in C.C.No.21 of 2012 dated 05.08.2021 on the file of the Special Judge, Special Court under TNPID Act, Coimbatore. Against the order of conviction, the petitioner has filed the above Crl.A.No.715 of 2022 before this Court. Subsequently, he also filed a petition in Crl.M.P.No.14354 of 2021 for suspension of sentence and to release the petitioner on bail and the same was allowed by order dated 02.02.2022 on condition to deposit the entire fine amount of Rs.93,50,000/-, imposed by the trial Court out of which, Rs.25 lakhs to be deposited at the time of furnishing sureties and the balance fine amount of



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Rs.68,50,000/- to be deposited within a period of eight weeks from the date of coming out on bail, to the credit of C.C.No.21 of 2012.

Subsequently, the petitioner filed a petition in Crl.M.P.No.6755 of 2022 to modify the conditions imposed by this Court stating since the petitioner is in prison, he is not able to comply with the conditional order. Hence, this Court by order dated 25.07.2022, modified the condition of depositing of Rs.25 lakhs at the time of furnishing sureties and directed the petitioner to deposit the said sum of Rs.25 lakhs to the credit of C.C.No.21 of 2012 by way of three instalments viz., (i) to pay a sum of Rs.5 lakhs upon which the petitioner shall be enlarged on bail; (ii) to deposit a sum of Rs.10 lakhs within a period of one month from the date of his release and (iii) to deposit further sum of Rs.10 lakhs within two months from the date of his release on bail.

3. The learned counsel for the petitioner submitted that as per the order of this Court, the petitioner has deposited the sum of Rs.5 lakhs and he has been enlarged on bail. She would further submit that in order to comply with the 2nd condition, when the petitioner approached his bank to withdraw the amount of Rs.5 lakhs from City Union Bank, Perunthurai



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Branch in Savings A/c No.241001001665573 and Current A/c

No.241007004263412, he was not allowed to operate the same since the Appeal in C.A.No.715 of 2021 is pending in Crime No.17 of 2012 and thereby, the petitioner is not able to comply with the conditions. Hence, the present petition has been filed seeking to modify the order dated 25.07.2022 in Crl.M.P.No.6755 of 2022 and to include the amount lying in his Savings Bank account as well as current accounts towards the amount of Rs.10 lakhs to be deposited by the petitioner.

4. This Court has given sufficient opportunity to the petitioner to comply with the order of this Court. However, the petitioner has not complied with the order of this Court. Hence, this Criminal Miscellaneous Petition is dismissed. Consequently, the suspension of sentence granted to the petitioner by order dated 02.02.2022 in Crl.M.P.No.14354 of 2021 stands cancelled.

5. The respondent police is directed to secure the petitioner to undergo remaining period of sentence.

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