

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

DATED:25.02.2022

THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

Crl.M.P.No.12174 of 2021

in Crl.A.No.589 of 2021

P.Ashok Kumar

... Petitioner

Vs.

State rep. By
The Inspector of Police,
Economic Offence Wing-II,
Coimbatore.
(Cr.No.6 of 2013)

....Respondent

PRAYER: Criminal Appeal filed under Section 389(1) of Criminal Procedure Code, to suspend the sentence imposed on the Petitioner by the Judgment dated 08.10.2021 passed in C.C.No.20 of 2014 on the file of the Court of the Special Judge, Special Court under TNPID Act, Coimbatore and enlarge the petitioner on bail pending the above Criminal Appeal.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate(Crl.side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence of imprisonment imposed on the petitioner by the Judgment dated 08.10.2021 in C.C.No.20 of 2014 on the file of the Court of the Special Judge, Special Court under TNPID Act, Coimbatore.

2. This Court heard the learned counsel for the petitioner and the learned Government Advocate(Crl.Side) for the respondent and also perused the materials placed on record.

3.In and by the judgment of the Special Court under TNPID Act, Coimbatore, the Petitioner was convicted for the offence under 120B read with 420 I.P.C and sentenced to undergo Rigorous Imprisonment for two years and to pay a fine of Rs.2,75,000/- (Rs.12,500*22 counts) and in default to undergo further one and a half years Rigorous Imprisonment for each counts; under Section 420 IPC sentenced to undergo Rigorous Imprisonment for three years and to pay

a fine of Rs.2,75,000/-(Rs.12,500*22 counts) and in default to undergo further one and a half years Rigorous Imprisonment for each counts: under Section 406 IPC sentenced to undergo three years Rigorous Imprisonment and to pay a fine of Rs.2,75,000/-(Rs.12,500*22 counts) and in default to undergo further nine months Rigorous Imprisonment for each counts: under Section 5 of TNPID Act, 1997 sentenced to undergo ten years Rigorous Imprisonment and to pay a fine of Rs.2,75,000/- (Rs.12,500*22 counts) and in default to undergo further two years Rigorous Imprisonment for each counts and the total fine amount is Rs.11,00,000/- The sentence was ordered to run consecutively. Against which, the present Appeal has been filed.

4. The learned counsel for the petitioner submitted that the petitioner is only an employee and not anyone who is associated with the management of the financial institution within a meaning of Section 5 of TNPID Act. He also took the Court through cross-examination of PW27, the Investigating Officer.

5. According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Appeal Case, and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal Case and hence, the substantive sentence imposed against the Petitioner/Accused may be suspended.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the Special Judge, Special Court constituted under TNPID Act, Coimbatore.

(b) The petitioner/accused and the sureties shall affix his photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of his Aadhaar Cards or Bank Pass Books to ensure his identity.

(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 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 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. The Criminal Miscellaneous Petition stands ordered accordingly.

-sd/-
25/02/2022

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 CONSTITUTED UNDER TNPID ACT,
COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
ECONOMIC OFFICER WING-II,
COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to Mr.K.Govi Ganesan Advocate on payment of necessary charges Sr.2934

Order

in
CRL MP.12174/2021

in
CRL A.589/2021

Date :25/02/2022

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RVR 01/03/2022