



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eighth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL MISCELLANEOUS PETITION No.13852 & 13855 of 2021

AND CRL.A.No.680 of 2021

PUGALENDHI

[PETITIONER/APPELLANT
IN BOTH THE PETITIONS]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING-II,
SALEM,
SALEM DISTRICT.
CR NO.2/2010.

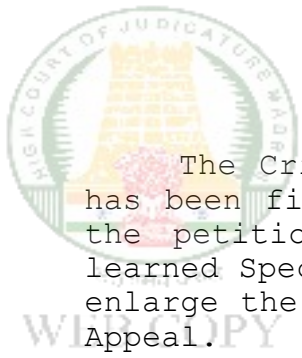
[RESPONDENT
IN BOTH THE PETITIONS]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence imposed on the petitioner made in C.C.No.7/2012, dated 31/08/2021 by the learned Special Judge, Special Court under TNPID Act, Coimbatore enlarge the petitioner on bail pending disposal of the main Crl.A.No.680 of 2021. (Crl.M.P.No.13852/2021)

(ii) To Suspend the Fine Amount imposed on the petitioner made in C.C.No.7/2012, dated 31/08/2021 by the learned Special Judge, Special Court under TNPID Act, Coimbatore, pending disposal of the main Crl.A.No.680 of 2021. (Crl.M.P.No.13855/2021)

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.E.SATHIYARAJ, Advocate for the petitioner, [IN BOTH THE PETITIONS] and of M/S.LEONARD ARUL JOSEPH SELVAM, Govt. Advocate (Crl. Side) on behalf of the Respondent, [IN BOTH THE PETITIONS] the court made the following order:-



The Criminal Miscellaneous Petition in CrI.M.P.No.13852 of 2021 has been filed by the petitioner to suspend the sentence imposed on the petitioner made in C.C.No.7 of 2012 dated 31.08.2021 by the learned Special Judge, Special Court under TNPID Act, Coimbatore, and enlarge the petitioner on bail pending disposal of the main Criminal Appeal.

2. The appellant / petitioner herein is arrayed as A5 in C.C.No.7 of 2012 on the file of the Special Judge, Special Court under TNPID Act, Coimbatore. In all, there are 8 accused persons, of whom, the first accused is a business; the second accused is stated to be running the business. The fifth accused is the brother of the second accused. After trial, the learned Special Judge acquitted Accused A3, A4, A6 to A8 and convicted A2 and A5 alone.

3. The learned counsel for the petitioner / appellant brought to the notice of the Court that except Seizure Mahazar in Ex.P461 and Ex.P462, there is nothing to indicate that the present appellant was involved in the management of the first Accused A1 / finance business concerned. He also brought to the notice of the Court that the entire evidence on record essentially indicate that only the second defendant has been managing the business and that he has signed various instructions viz-a-viz the victims/depositors.

4. This Court perused the judgment in C.C.No.7 of 2012 dated 31.08.2021 on the file of the Special Judge, Special Court under TNPID Act, Coimbatore.

5. Challenging the same, the present appeal has been filed along with this petition for suspension of sentence.

6. Heard both sides and perused the materials available on record.

7. Two significant facts emerges out of the judgment. One, neither A2 nor A5 have examined any of the victim/depositors. Second, except Seizure Mahazar in Ex.P461 and Ex.P462, no other material is seemed to have been relied on by the learned trial Judge to implicate the appellant.

8. This Court finds *prima facie* case in favour of the appellant.

9. This Court consider that given the narrow compass within which the case moves, it is only appropriate to dispose of the main matter itself.



10. Taking into consideration of the submission of the learned counsels appearing on both sides, since there are some arguable points available in the appeal, I am inclined to suspend the substantive sentence of imprisonment.

11. Accordingly, pending appeal, substantive sentence of imprisonment imposed on the petitioner is suspended and the petitioner is released on bail;

(1) on him executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge, Special Court under TNPID Act, Coimbatore with further condition that she shall appear before the said court on the first working day of every month at 10.30 a.m., until further orders.

12. Post this matter for final disposal on 03.03.2022. The Registry is directed to make available the records of the Courts below by then.

-sd/-
08/02/2022

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
UNDER TNPID ACT, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING-II,
SALEM, SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.



Copy To:

THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

C.C. to M/S.N.SATHISH BABU Advocate on payment of necessary charges

Order

in
CRL MP.13852 & 13855/2021
in
CRL A.680/2021

Date :08/02/2022

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

TA-15/02/2022