



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Third day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL MISCELLANEOUS PETITION No.13022 of 2021

IN CRL.A.No.632 of 2021

S.YUVARAJ

[APPELLANT / 5th ACCUSED]

Vs

STATE REP BY
DEPUTY SUPERINTENDENT OF POLICE,
ECONOMIC OFFENCES WING -II, UNIT,
ERODE,
CRIME NO.17 OF 2012.

[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence of Imprisonment imposed in the Judgement dated 05.08.2021 made in C.C.No.21 of 2012 on the file of the Special Court under TNPID Act, Coimbatore.

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.M.ELANGO, Advocate for the Petitioner and of MR.LEONARD ARUL JOSEPH SELVAM, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence of imprisonment imposed by the order dated 05.08.2021 in C.C.No.21 of 2012 on the file of the 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 Section 120 of IPC to undergo 2 (Two) years Simple Imprisonment and to pay a fine of Rs.15,000/- for each counts (Rs.15,000 *110counts * 3 Accused=Rs.49,50,000/-) in default of payment of fine to undergo further one year simple imprisonment and under Section 420 of IPC, the 5th Accused to undergo 3 years simple imprisonment and to pay fine of Rs.15,000/- for each counts (Rs.15,000*110counts*3 Accused=Rs.49,50,000/-), in default of payment of fine to undergo further one year simple imprisonment under section 5 of the TNPID Act 1997, the 5th accused to undergo 10 years simple imprisonment and to pay a fine of Rs.15,000/- for each counts (Rs.15,000*110 counts*3 Accused=Rs.49,50,000/-) in default of payment of fine to undergo further one year simple imprisonment. In total fine amount, A5 has to pay Rs.60,50,000/-. Further, A5 shall pay the fine amount of Rs.11,00,000/- out of fine imposed on the 3rd accused firm (Rs.33,00,000/-) in default of payment of fine to undergo further one year simple imprisonment for each offence. The sentence was ordered to run consecutively. Against which, the present Appeal has been filed.

4. Learned counsel for the petitioner/Appellant submitted that the appellant was not incharge of the affairs of the financial institution and the only allegation is that he was canvassed to deposit the amount. It also brought to the notice of this Court the contents in Paragraph Nos. 3 and 4 of the judgment of the Trial Court, wherein, even the Trial Court has held that the appellant was only canvassed to deposit the amount and positively recorded that he was not connected in any way in the management of the institution which is arrayed as A1.

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 Judicial Magistrate, Special Court 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/-
23/02/2022

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 JUDICIAL MAGISTRATE,
SPECIAL COURT TNPID ACT, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE DEPUTY SUPERINTENDENT OF POLICE,
ECONOMIC OFFENCES WING -II,
UNIT, ERODE,

4 THE OFFICER INCHARGE
SUB JAIL, CENTRAL PRISON, MADURAI



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.M.ELANGO Advocate on payment of necessary charges
SR.NO.2848

Order
in
CRL MP.13022/2021
in
CRL A.632/2021

Date :23/02/2022

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JPA 28/02/2022