



Crl.M.P.No.14275 of 2021 in Crl.A.No.709 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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in

Crl.A.No.709 of 2021

1.M/s.Healthy Poultry & Farms

2.M/s.Healthy Poultry & Farms Indian Pvt.Ltd.,
Both at No.3, Bank of Baroda upstairs,
Kovai Main Road, Nambiyur,
Gopi Taluk Erode District-638 458.
Rep by A3 R.Karthika Managing Director

3.Karthika

... Petitioners/Accused

Vs.

State represented by Inspector of Police,
Economic Offence Wing – II,
Erode.

... Respondent/Complainant

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to suspend the sentence imposed in the C.C.No.3 of 2014 dated 23.11.2021 on the file of the Special Judge, Special Court under TNPID (in Financial Establishment) Act 1997 at Coimbatore and enlarge the petitioner on bail.

For Petitioners : Mr.B.Nedunzhelian

For Respondent : Mr.S.Vinoth Kumar



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Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner in C.C.No.3 of 2014, dated 23.11.2021, on the file of the Special Judge, Special Court under TNPID (in Financial Establishment) Act 1997, Coimbatore, pending disposal of the above appeal.

2.The learned counsel for the petitioners prays for suspension of sentence in respect of A3 Karthika by submitting that she is a lady aged about 31 years and she is currently lodged in the prison along with her children. The learned counsel prays for suspension of substantive sentence of imprisonment as well as the fine amount. The learned counsel submitted that the total fine amount is Rs.1,65,60,000/- and A3 has to pay Rs.82,80,000/-. Out of which, already a sum of Rs.32,00,000/- has been realised. He would submit that since A3 is not in a position to mobilise the entire fine amount, this Court should consider to suspend the sentence of fine also.



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3.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent submitted that this is an offence under the TNPID Act and huge amount has to be recovered from this accused.

4.After the submissions, when this Court questioned about the quantum of fine which can be deposited, the learned counsel for the petitioners undertook to deposit a sum of Rs.10,00,000/- up front before A3 is released on bail and undertook to deposit another sum of Rs.10,00,000/- within a period of three months after the date of release from the prison.

5.In view thereof, considering the age and background of A3 and the totality of the circumstances, I am of the view that both substantive sentence of imprisonment and the sentence of fine can be suspended pending disposal of the appeal on the following terms:

(a) the petitioner/A3 shall deposit a sum of Rs.10,00,000/- to the credit of C.C.No.3 of 2014, on the file of the Special Judge, Special Court under TNPID (in Financial Establishment) Act 1997 at Coimbatore;

(b) The petitioner/A3 is ordered to be released on bail, on her



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executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Trial Court;

(c) On such deposit of Rs. 10,00,000/- and execution of bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Trial Court, the sentence of the petitioner/A3 shall stand suspended and the petitioner/A3 shall be enlarged on bail;

(d) after coming out of prison, within a period of three months therefrom, the petitioner/A3 shall deposit another sum of Rs.10,00,000/- to the credit of the Trial Court as mentioned above. It is made clear that there shall be no further extension of time will be granted for the deposit of the second instalment of Rs.10,00,000/- and if the petitioner/A3 fails to comply with the conditions, the suspension of sentence shall stand automatically vacated and the petitioner/A3 will be committed to prison to undergo the sentence;

(e) the petitioner/A3 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



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identities;

(f) the petitioner/A3 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.

6. This Criminal Miscellaneous Petition is ordered accordingly.

26.08.2022

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Index : Yes/No

Internet: Yes/No

Speaking order/Non-speaking order



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D.BHARATHA CHAKRAVARTHY. J.,

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To

- 1.State represented by Inspector of Police,
Economic Offence Wing – II,
Erode.
- 2.The Public Prosecutor, High Court of Madras.
- 3.The Superintendent, Central Jail,
Coimbatore.
- 4.The Special Judge,
Special Court under TNPID
(in Financial Establishment) Act 1997,
Coimbatore.

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