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Crl.M.P.No.18177 of 2022 in

Crl.A.No.1219 of 2022

V.SIVAGNANAM, J

This petition has been filed seeking to suspend the sentence imposed on the petitioner(A5), by judgment dated 07.11.2022 passed in C.C.No.2 of 2018 on the file of the Special Judge under Tamilnadu Protection of Interest of Depositors Act, 1977, Chennai, pending disposal of the revision petition.

2. It is the case of the Appellant No.4/A5 that, his wife/A4 (died), had run the financial establishments in the name of A1 to A3 and this appellant has not signed in any of the receipts. It is the further case of the appellant that, since the charges are abated on the death of A4, who administered the financial establishments, the conviction on this appellant (A5) is not in accordance with law.

3. The appellant (A5) has been convicted and sentenced by the Trial Court, as extracted hereunder.

" A5, Gulobkhan for running schemes in the name of A1 to A3 Financial Establishments is found guilty under Section 406 IPC 973 Counts) and 5 of



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TNPID Act, 1997 (73 Counts).

a) A5 is convicted and sentenced U/s 5 of TNPID Act, 1997 (for 73 counts) for 3 years for simple imprisonment each count and to pay a fine of Rs.5000/- each counts. A5 shall pay a total sum of Rs.3,65,000/- for 73 counts. In default of payment of fine, A5 shall further undergo simple imprisonment for a period of 3 months for each default.

b) A5 is convicted and sentenced U/s 406 IPC (for 73 counts) for 3 years for each count and to pay a fine of Rs.5000/- each counts. A5 shall pay a total sum of Rs.3,65,000/- for 73 counts. In default of payment of fine, A5 shall further undergo simple imprisonment for a period of 6 months for each default.

c. The period of detention already undergone by the accused shall be set off U/s 428 Cr.P.C.

d. The sentence of imprisonment shall run concurrently for each count.

e) The bail bonds executed by the accused shall cancelled except the one executed u/s 437-A of Cr.P.C.

f) The Total fine amount is Rs.7,30,000/-. Out of the fine amount, a sum of Rs.4,51,650/- is directed to be paid as compensation U/s 357 Cr.P.C. to the depositors who are examined in the court and to the holders of chit funds cards which are marked through PW.25, Mr.S.Designan, the Investigating Officer. The List-I and List-II containing the names of depositors who are entitled to receive compensation is annexed in the judgment."

Challenging the conviction and sentence slapped by the Trial Court, the Appellant is before this Court.



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4. The learned counsel for the Appellant (A5) submitted that there are arguable points in the Appeal and hence, prayed for suspension of sentence.

5. In this case, the appellant was sentenced as stated above and it was ordered to run concurrently. The Appellant (A5) has raised substantial grounds in the Appeal which require detailed appraisal. Further, the Criminal Appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the Appellant (A5) is entitled to the relief of suspension of sentence.

6. Accordingly, the relief of suspension of sentence alone is granted on the following conditions:

(i) The Appellant (A5) shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the Appellant (A5) is ordered to be released on bail on his executing a own bond for a sum of Rs.10,000/-(Rupees ten thousand only) to the satisfaction of the Trial Court.



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(ii) The Appellant shall affix his photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

(iii) The Appellant (A5) shall appear before the Trial Court on the first working day of every month until the disposal of the Criminal Appeal and if he is not able to appear before the Trial Court on any such 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.

05.12.2022

(1/2)

Note : Issue Order Copy today (06.12.2022)

mst

To

**The Special Judge under TNPID Act,
Chennai.**



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V.SIVAGNANAM, J.,

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