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Crl.M.P.No.18642 of 2022 in Crl.A.No.1234 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.18642 of 2022

in

Crl.A.No.1234 of 2022

T.Gundu Reddy

... Petitioner

/vs/

State, represented by
the Inspector of Police,
Economic Offences Wing-II,
Villupurm

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence ordered by the learned Special Court under TNPID Act in C.C.No.06 of 2010, dated 08.11.2022.

For Petitioner

... Mr. B. Jawahar

For Respondents

... Mr.C.E.Pradap

Govt.Advocate (Crl.Side)

ORDER

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 08.11.2022 passed in C.C.No.06 of 2010 on the file of the Special Court under TNPID Act, Chennai and enlarge the petitioner on bail till the disposal of the Crl.A.No.1234 of 2022.

2. The petitioner, who was A-3 in C.C.No.06 of 2010 before the Court of Special Judge under TNPID Act, Chennai was convicted and sentenced as follows:

<https://www.mhc.tn.gov.in/judis>



<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A3	Section 5 of TNPID, 1997 (89 counts)	3 years simple imprisonment for each count and to pay a fine of Rs.25,000/- for each count, in total, to pay Rs.22,25,000/- for 89 counts, in default to pay fine, to undergo simple imprisonment for 3 months for each default.

The period of detention already undergone by the petitioner is ordered to be set off under section 428 Cr.P.C and the sentence of imprisonment was ordered to run concurrently.

3. Challenging the above conviction and sentence, the petitioner (A-3) has filed Crl.A.No.1234 of 2022 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. Heard Mr.K. Rajendra Prasad, learned counsel for the petitioner and Mr.C.E.Pratap, learned Govt. Advocate (crl.side) appearing for the State.

5. It is alleged that the petitioner – A3 along with A2, representing them as partners of the A1- company, ran a chit fund business and thereafter cheated the depositors of A1-company by not repaying the chit amounts. Out of three accused, the trial Court found the petitioner (A-3) guilty of the offence under Section 5 of the TNPID Act and sentenced him as stated above. The other accused viz. A2 is also convicted and sentenced under section 5 of TNPID Act. This is the first bail application by the petitioner. The fine amount was not yet paid.

6. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been now confined in Puzhal Central Jail, Chennai Further, the 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 petitioner is entitled to the relief of suspension of sentence and bail.

WEB COPY 7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the Special Court under TNPID Act, Chennai
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the 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.

08.12.2022

msr

Note : Issue Today



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1. The Special Court under TNPID Act, Chennai
2. The Superintendent of Prison,
Central Prison
Puzhal.
3. The Inspector of Police
Economic Offences Wing-II,
Villupuram.
4. The Public Prosecutor
High Court, Madras



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V.SIVAGNANAM, J.

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