



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP(MD) No.3508 of 2022

IN

CRL A(MD) No.218 of 2022

S.MUTHUKUMAR

... APPELLANT/ ACCUSED NO.3

Vs

STATE REP.BY

THE DEPUTY SUPERINTENDENT OF POLICE,
ECONOMIC OFFENCED WING - II,
MADURAI.

(CRIME NO.4 OF 2005 OF EOW-II,
VIRUDHUNAGAR)

... RESPONDENT/ COMPLAINANT

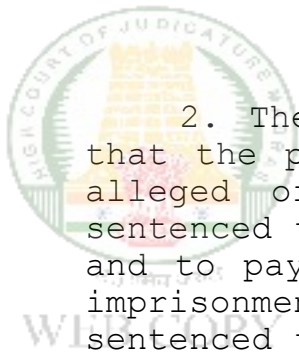
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by suspending the sentence imposed by the Special Court under the Tamil Nadu Protection of Interest Depositors(In Financial Establishment) Act, 1997 Madurai in C.C.No.6 of 2011 vide judgment dated 04.03.2022 pending the disposal of main Criminal Appeal.

PRAYER IN CRL A(MD) No.218 of 2022:

To call for the entire records pertaining to the judgment and conviction imposed by the Special Court under the Tamil Nadu Protection of Interest Depositors(In Financial Establishment) Act, 1997, Madurai) in C.C.No.6 of 2011 vide judgment dated 04.03.2022 and set aside the same by acquitting the appellants.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.ANAND, Advocate for the petitioner and of Mrs.M.AASHA, Government Advocate(Criminal Side)on behalf of the Respondent,While admitting the Criminal Appeal, the court made the following order:-

This Criminal Miscellaneous petition has been filed to suspend the sentence passed in C.C.No.6 of 2021, dated 04.03.2022 on the file of the learned Special Court under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Madurai, pending disposal of the Criminal Appeal.



2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the Trial Court for the alleged offences punishable under Section 5 of TNPID Act and sentenced to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.1,00,000/-, in default, to undergo simple imprisonment for a period of one year, for Section 120(B) IPC and sentenced to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.1,00,000/-, in default, to undergo simple imprisonment for a period of one year and for Section 420 IPC and sentenced to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for a period of six months.

3. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel appearing for the petitioner submitted that there are several infirmities in the prosecution case and further, there are contradictions in material particulars between the evidence of the prosecution witnesses.

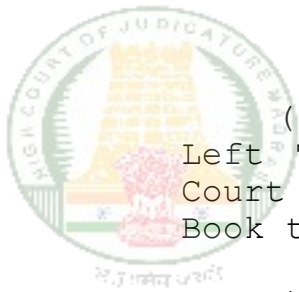
5. Mrs.M.Aasha, learned Government Advocate (Crl. Side) appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence, she strongly opposed to grant suspension of sentence.

6. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

7. The learned counsel appearing for the petitioner pointed out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

8. 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/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special Judge under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Madurai.



(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 Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the respondent daily at 10.30 a.m until further orders."

sd/-
24/03/2022

/ TRUE COPY /

25/03/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SPECIAL JUDGE UNDER THE
TAMIL NADU PROTECTION OF INTEREST DEPOSITORS
(IN FINANCIAL ESTABLISHMENT) ACT, 1997, MADURAI.

2 THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
ECONOMIC OFFENCED WING - II,
MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.ANAND, Advocate (SR-2467[I] dated 24/03/2022)

ORDER
IN
CRL MP(MD) No.3508 of 2022
IN
CRL A(MD) No.218 of 2022
Date :24/03/2022

ias
MS/VR/SAR-4/25.03.2022/3P.6C