



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

Monday, the Twenty Second day of August Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

WEB COPY

Crl.M.P (MD) Nos.5942 & 6220 of 2022
in
Crl.A. (MD) Nos.338 & 356 of 2022

JANSIRANI

... PETITIONER/APELLANT/
ACCUSED No.3

IN CRL.MP (MD) .5942/2022 IN
CRL.A (MD) .338/2022

MANIKANDAN @ SATHEES KUMAR

... PETITIONER/APELLANT/
ACCUSED No.5

IN CRL.MP (MD) .6220/2022 IN
CRL.A (MD) .356/2022

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ECONOMIC OFFENCES WING -II,
VIRUDHUNAGAR DISTRICT,
VIRUDHUNAGAR.
CR.NO.2/2014

... RESPONDENT/RESPONDENT/
COMPLAINANT
IN BOTH PETITIONS

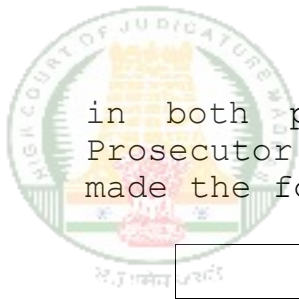
COMMON PRAYER IN CRL MP (MD) .5942 & 6220/2022 IN CRL A (MD) .338 & 356/2022:

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend of Sentence imposed on the petitioner vide judgment dt 07.04.22 made in C.C.No.6/2015 on the file of the Special Court under the Tamil Nadu Protection interest of Depositors(In Financial Establishments)Act,1997 at Madurai and enlarge the Appellant on bail pending disposal of the above Criminal Appeal.

PRAYER IN CRL A (MD) .338 & 356/2022:

Pleased to call for records and set aside the Judgment dated 07.04.2022 made in C.C.No.6 of 2015 on the file of the Special Court under the Tamil Nadu Protection Interest of Depositors(In Financial Establishments)Act,1997 at Madurai in so far as the Appellant.

COMMON ORDER : These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.BALAJI A, Advocate for the petitioner



in both petitions and of Mr.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent in both petitions the court made the following order:-

RESERVED ON	12.08.2022
PRONOUNCED ON	22.08.2022

These Criminal Miscellaneous Petitions have been filed to suspend the sentence passed in C.C.No.6 of 2015, dated 07.04.2022, on the file of the learned Special Judge (FAC), Special Court under TNPID Act Cases, Madurai, till the disposal of these Criminal Appeals.

2. Admittedly, the petitioner in CrI.M.P.(MD)No.5942 of 2022 is the third accused and the petitioner in CrI.M.P.(MD)No.6220 of 2022 is the fifth accused.

3. The case of the prosecution is that the first accused is a registered financial establishment, that the second accused was the Director of the first accused, that the third accused is the wife of the second accused, that the fourth accused, who was already reported dead, was the father-in-law of the second accused and that one Jegadeesan is the brother-in-law of the second accused had jointly run the first accused financial establishment as their family business, that the said Jegadeesan died on 30.04.2012, that the fifth accused was the driver of the second accused and he had also looked after the affairs of the first accused, that all the accused had announced many schemes to attract the general public to make deposits in the first accused with a false promise of higher rate of interest within short span of time, that they have collected a sum of Rs.97,07,800/- from 20 depositors and the same was misappropriated by the accused and converted the same into their personal use and benefits, that they have purchased the properties in the name of their family members in the form of Cars, Movable and Immovable properties and thereby caused great loss to the depositors, that one Pandi had filed a petition in CrI.O.P.(MD) No.3509 of 2014 before this Court and as per the direction of this Court, FIR in Crime No.2 of 2014 was registered by the EOW II Virudhunagar and that after completion of the investigation, final report has been filed.

4. During the trial, the prosecution has examined 20 witnesses as P.W.1 to P.W.20 and exhibited 30 documents as Ex.P.1 to Ex.P.30. The defence have adduced neither oral nor documentary evidence.

5. The learned Special Judge (FAC), Special Court under TNPID Act Cases, Madurai, upon considering the evidence adduced and on hearing the arguments of both the sides, has passed the impugned judgment dated 07.04.2022 convicting the petitioners/accused 3 and 5 and sentenced them as follows:-



Accused	Provision under which convicted	Sentence
A3-Jansirani A5-Manikandan @ Sathees Kumar	under Section 5 of TNPID Act	to undergo ten years Rigorous Imprisonment and to pay a fine of Rs.1,00,000/-, in default, to undergo one year Simple Imprisonment
	under Section 120(B) IPC	sentenced to undergo ten years Rigorous Imprisonment and to pay a fine of Rs.1,00,000/-, in default, to undergo one year Simple Imprisonment
	under Section 406 IPC	sentenced to undergo three years Rigorous Imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo three months Simple Imprisonment
	under Section 420 IPC	sentenced to undergo seven years Rigorous Imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo six months Simple Imprisonment

Further ordered that above the sentences of imprisonment to run concurrently. Challenging the said judgment of conviction and sentence, the petitioners/accused 3 and 5 have preferred the present criminal appeals along with the above miscellaneous petitions for suspension of sentence.

6. The learned counsel for the petitioners would submit that the third accused is the housewife of the second accused and she has nothing to do with the business of the first accused establishment, that she has already paid the fine amount of Rs.2,20,000/- imposed on her, that she is having responsibility to take her of two school going children and that therefore the third accused is constrained to file the above application for suspension of sentence.

7. The learned counsel for the petitioners would further submit that the fifth accused is none other than the driver of the second



accused and he has no connection whatever with the business of the first accused and that since he was with the second accused as his driver, he was also implicated.

8. After reserving for orders, the learned counsel for the petitioners has filed an additional typed set to show that the fifth accused had remitted the fine amount of Rs.2,20,000/- on 16.08.2022.

9. The learned Additional Public Prosecutor would submit that the first accused company and other accused have misappropriated more than Rs.70,00,000/- and that no amount was recovered till now. But he would fairly admit that the respondent has already attached 5 items of immovable property belonging to the second accused/husband of the third accused and also the immovable property belonging to the deceased fourth accused/father-in-law of the second accused.

10. The learned counsel for the petitioners would further submit that the properties attached are worth more than Rs. 1 crore and even according to the prosecution, the guideline value of the entire immovable property attached was shown at Rs.31,10,265.45/-.

11. The learned Additional Public Prosecutor has produced the copy of the letter written by the Revenue Divisional Officer (RDO), Virudhunagar dated 25.07.2022, wherein, it has been stated that the charge sheet was filed alleging that the accused had taken investments from 16 investors to the tune of Rs.97,07,800/-, that the accused had already settled the amount to 8 investors to the tune of Rs.36,18,675/- and that they have to pay Rs.60,89,125/- to the remaining 8 investors.

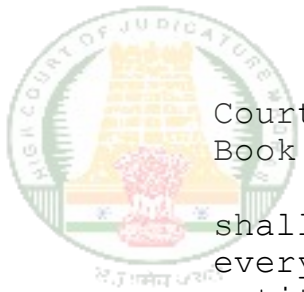
12. Moreover, the second accused, who is the main accused, was the Director of the first accused, is in jail.

13. Considering the above facts and circumstances and also the nature of charges levelled against the petitioners and also the facts that the petitioners are in incarceration from the date of judgment (i.e.,) 07.04.2022 and that the petitioners had already remitted the fine amount of Rs.2,20,000/- each and taking note of the value of the properties attached, this Court is inclined to grant suspension of sentence imposed on the petitioners.

14. In the result, these Criminal Miscellaneous Petitions are allowed. Accordingly, the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:-

(i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the Special Court under the Tamil Nadu Protection Interest of Depositors (in Financial Establishments) Act, 1997 at Madurai;

(ii) The sureties shall affix their photographs and



Court may obtain a copy of their Aadhar card or Bank Book to ensure their identity; and

(iii) The petitioner in CrI.M.P.(MD)no.5942 of 2022 shall report before the trial Court weekly once i.e., on every Monday at 10.30 a.m., until further orders and the petitioner in CrI.M.P.(MD)No.6220 of 2022 shall report before the trial Court on all working days at 10.30 a.m., until further orders and if they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

sd/-

22/08/2022

/ TRUE COPY /

23/08/2022

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

- 1 THE SPECIAL JUDGE(FAC),
SPECIAL COURT UNDER THE TAMIL NADU PROTECTION INTEREST OF
DEPOSITORS(IN FINANCIAL ESTABLISHMENTS)ACT,1997, MADURAI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON FOR WOMEN, MADURAI.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE
ECONOMIC OFFENCES WING -II, VIRUDHUNAGAR DISTRICT, VIRUDHUNAGAR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. C.C. to M/S.BALAJI A Advocate SR.No.8802,8803 (I)

Date:22/08/2022

ORDER IN

CrI.M.P(MD)Nos.5942 & 6220 of 2022
in

CrI.A.(MD)Nos.338 & 356 of 2022

Date :22/08/2022

csm

<https://www.mca.gov.in/23.08.2022/5P/8C>