



Crl. M.P. No.1776 of 2022
in Crl.A.No.140 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl.M.P.No.1776 of 2022
in Crl.A. No.140 of 2022

V.Sellamuthu

...Petitioner

vs.

The State Rep. by
the Deputy Superintendent of Police,
Economic Offences Wing-II,
Erode.
(Crime No.1 of 2010)

...Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code 1973 to suspend the sentence on the petitioner by the judgment dated 04.10.2021 in C.C.No.3/2021, passed by the Special Judge, Special Court under TNPID Act, Coimbatore and enlarge the petitioner on bail, pending disposal of the above criminal appeal.

For Petitioner : Mr.E.P.Senniyangiri

For Respondent : Mr.S.Sugendran, APP



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ORDER

This criminal miscellaneous petition is filed seeking suspension of sentence imposed by the Special Judge, Special Court under TNPID Act, Coimbatore in C.C.No.3/2021 on 04.10.2021 and to enlarge the petitioner on bail.

2. The petitioner is the second accused in C.C.No.3/2021 before the learned Special Judge, Special Court under TNPID Act, Coimbatore and he was convicted and sentenced on 04.10.2021 as under:

<i>S.No.</i>	<i>Offences under which convicted</i>	<i>Sentence</i>
1.	Section 5 of TNPID Act	Rigorous imprisonment for ten years and to pay a fine of (Fine of Rs.1,000 x 118 counts) Rs.1,18,000/-, in default, to undergo rigorous imprisonment for two years each counts and to pay a compensation of Rs.4,75,00,000/-, in default, to undergo rigorous imprisonment for two years.

The aforesaid sentences were ordered to run concurrently.

3.Heard, Mr.Mr.E.P.Senniyangiri, learned counsel for the petitioner and Mr.S.Sugendran, learned Additional Public Prosecutor for the respondent.



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4. Mr.E.P.Senniyangiri, learned counsel for the petitioner contended that all the properties belonging to the present accused were attached by the Revenue Divisional Office and till date they have not taken any steps to sell the properties in order to pay the depositors. He would further contend that the petitioner is ready to compound the case. It is also his contention that the present accused has been convicted for a period of ten years and that he has been in incarceration for the past 1½ years and therefore, he prayed for suspension of sentence. He also contended that the present petitioner is ready to pay a sum of Rs.25,00,000/- to the credit of C.C.No.3/2021 before the learned Special Judge, Special Court under TNPID Act, Coimbatore.

5. Learned Additional Public Prosecutor contended that the four properties have been attached in the instant case by Revenue Divisional Officer and he would be filing a status report with regard to the action taken by the concerned officials.



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6. Considering the period of incarceration of the present accused, this criminal miscellaneous petition is allowed and the sentence is suspended, however, subject to the following conditions:

- i. The petitioner is directed to deposit a sum of Rs.25,00,000/- to the credit of C.C.No.3/2021 before the learned Special Judge, Special Court under TNPID Act, Coimbatore.
- ii. The petitioner shall thereafter execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate, Fast Track Court, Magistrate Level-1, Coimbatore.
- iii. The sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- iv. 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 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 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.



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v. The trial court judge can permit the accused to execute the bond as mentioned in condition (ii) only after the compliance of condition (i) by the accused.

02.08.2023

(2/2)

mtl

To

- 1.The State Rep. by
the Deputy Superintendent of Police,
Economic Offences Wing-II,
Erode.
- 2.The Special Judge, Special Court under TNPID Act, Coimbatore.
- 3.The Central Prison, Coimbatore.
- 4.The Section Officer, Criminal Section, Madras High Court, Chennai.



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R.HEMALATHA, J.
mtl

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