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Crl MP No.3137 of 2023
in
Crl.A.No.576 of 2022

V.SIVAGNANAM, J.,

This Criminal Miscellaneous Petition has been filed, seeking to modify one of the conditions imposed on the petitioner, i.e. to deposit a sum of Rs.5,00,000/- to the credit of CC.No.16 of 2014 on the file of the Special Judge, the Special Court under TNPID Act, Coimbatore, vide order dated 18.07.2022 passed in Crl.MP.No.7727 of 2022 in Crl.A.No.576 of 2022.

2.The learned counsel for the petitioner has submitted that the petitioner is A2 in CC No.16 of 2014 on the file of the Special Judge, the Special Court under TNPID Act, Coimbatore. He was prosecuted by the respondent Police for the alleged offences punishable under Sections 120(B), 406 & 420 I.P.C. and Sec.5 of TNPID Act, 1997. After the trial, he was convicted and sentenced as follows;

- A2 to undergo seven years rigorous imprisonment and to pay



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fine of Rs.10,000/- for each counts(fine of Rs.10,000x25counts)

in default, payment of fine to undergo further one and half years rigorous imprisonment for each counts under Section 120-B r/w.420 IPC.

- A2 to undergo seven years rigorous imprisonment and to pay fine of Rs.10,000/- for each counts(fine of Rs.10,000x25counts) in default, payment of fine to undergo further one and half years rigorous imprisonment for each counts under Section 420 IPC.
- A2 to undergo three years rigorous imprisonment and to pay fine of Rs.10,000/- for each counts(fine of Rs.10,000x25counts) in default, payment of fine to undergo further 9 months rigorous imprisonment for each counts under Section 406 IPC.
- A2 to undergo ten years rigorous imprisonment and to pay fine of Rs.10,000/- for each counts(fine of Rs.10,000x25counts) in default, payment of fine to undergo further two years rigorous imprisonment for each counts under Section Sec.5 of TNPID Act, 1997.



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3. Being aggrieved by the conviction and sentence, the petitioner preferred an appeal before this Court in CrI.A.No.576 of 2022 in which, he had filed an application in CrI.MP.No.7727 of 2022, for suspension of sentence. This Court, while suspending the sentence, vide its order dated 18.07.2022 directed him to deposit a sum of Rs.5,00,000/- a part of the fine amount to the credit of CC No.16 of 2014 on the file of the Special Judge, the Special Court under TNPID Act, Coimbatore. This has to be modified, as the petitioner is unable to raise Rs.5,00,000/- in order to make deposit the same.

4. When the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondent objected to modify the condition as the petitioner was directed to deposit only a part of fine amount of Rs.5,00,000/-. Therefore, it ought to be paid and it may not be realised and hence, he sought for dismissal of the petition.



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5.I have considered the submissions made by the learned counsel on either side and perused the entire materials available on record and the fact reveals that as directed by the learned Judge, the petitioner was unable to deposit a part of the fine amount of Rs.5,00,000/- to the credit of CC No.16 of 2014 on the file of the Special Judge, the Special Court under TNPID Act, Coimbatore. The direction of this Court is with regard to the payment of a part of the fine amount, which may not be realised.

6.Therefore, I find no merit in this criminal miscellaneous petition hence, this petition is dismissed.

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08.03.2023



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