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Crl.M.P.No.2929 of 2023

Crl.M.P.No.2929 of 2023
in Crl.A.No.290 of 2017

N.ANAND VENKATESH., J.

This application has been filed seeking for suspension of sentence imposed on the petitioner by the Special Judge, Special Court under TNPID Act in C.C.No.10 of 2013 by order dated 17.02.2017.

2.The petitioner was arrayed as A7 in the case. The Court below had imposed conviction and sentence against the petitioner in the following manner:

S.No	Conviction for offence under	Sentence/Punishment
1	Section 420 IPC	Three years rigorous imprisonment and to pay a fine of Rs.2,16,000/- (Rs.1000 x 216 counts) and in default of payment of fine, to undergo further period of one year rigorous imprisonment.
2	Section 5 of TNPID Act, 1977	Five years rigorous imprisonment and to pay a fine of Rs.6,48,000/- (Rs.3000 x 216 counts) and in default of payment of fine, to undergo further period of one year rigorous imprisonment.

3.Heard Mr.V.M.R.Rajentran, learned counsel appearing on behalf of the



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petitioner and Mr.L.Baskaran, learned Government Advocate (Criminal Side) appearing on behalf of the respondent.

4.The earlier bail petition filed by the petitioner along with other accused persons in Crl.M.P.No.6980 of 2017 was considered by this Court and an interim bail was granted to the petitioner and the other accused persons by imposing a condition that each of the accused person must deposit the fine amount imposed against them, within a period of two weeks.

5.The above condition was not complied with by the petitioner and the other accused persons and they filed Crl.M.P.No.15416 of 2017 seeking for modification of the condition. This Court by an order dated 06.12.2017, modified the condition and directed the petitioner and other accused persons to pay atleast 25% of the fine amount before the Trial Court, within a period of four weeks.

6.Yet another application was filed in Crl.M.P.No.15789 of 2018 seeking to modify the condition imposed in Crl.M.P.No.15416 of 2017. This application was dismissed by this Court by an order dated 23.01.2019. By virtue of this dismissal, the original interim bail that was granted in Crl.M.P.No.6980 of 2017 stood



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automatically cancelled and the petitioner and other accused persons continued to suffer incarceration during the pendency of this appeal.

7.Once again, the petitioner and the other accused persons filed Crl.M.P.No.12479 of 2021 seeking for suspension of sentence and the said petition came to be dismissed by an order dated 06.12.2021 on the ground that the appeal itself can be taken up for final hearing.

8.Once again, the present petition has been filed by A7 seeking for suspension of sentence on the ground that he has already suffered incarceration for more than six years and the entire sentence period is almost completed.

9.On carefully going through the records, this Court finds that this petitioner is equally placed with A5 & A7 also and A5 to A7 are none other than the partners of the accused Firm. The Trial Court at Paragraph No.56 of the judgment has made reference to the total properties that were recovered and are available for being distributed to the depositors. If the particulars regarding the amount that has been disbursed to the depositors is furnished before this Court, final order / judgment can



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be passed in the main criminal appeal itself and it is not necessary to spend time by dealing with application for suspension of sentence. This is in view of the fact that A5 to A7 have already undergone the entire sentence period for the offence and what remains is the payment of the fine amount and in default to undergo the default sentence. This short issue can be dealt with if the entire particulars with regard to the amount that has already been disbursed to the depositors is furnished to this Court.

10.In the light of the above discussion, this application is closed.

06.03.2023

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