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Crl.MP.Nos.6113 & 6374 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.MP.Nos.6113 & 6374 of 2023

in

Crl.A.No.290 of 2017

Crl.MP.No.6113 of 2023

Sekar @ A.Palanisamy, M/Age 30 Yrs,
S/o.N.Aaran,
Door No.54/24, Arinjana Colony,
Seelampatti,
Karumandichellipalayam (Post)
Perundurai, Erode 638 052.

... Petitioner

Vs.

The State represented by
The Inspector of Police,
EOW – II, Erode District
(Cr.N.741 of 2012)

... Respondent

Prayer: Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed in C.C.No.10 of 2013 on the file of the Special Judge, Special Court under Tamil Nadu Protections Interest of Depositor Act, Coimbatore against the Petitioner/Appellant pending disposal of the Criminal Appeal No.290 of 2017 on the file of this Court.

For Petitioner : Mr.G.Murugendran

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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P.Karthikeyan, Male aged 39 years,
S/o.Palanisamy,
D.No.106, Maranaickenpalayam,
Varanavasi, Pethampalayam Post,
Kanjikoil Via, Perundurai Taluk,
Erode District.

.. Petitioner

Vs.

State
Rep. by the Inspector of Police,
Economic Offences Wing - II,
Erode
(Cr.No.741 of 2012)

... Respondent

Prayer: Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed on the Petitioner by the impugned Judgment dated 17.02.2017 passed in CC.No.10 of 2013 on the file of the Special Judge, Special Court under TNPID Act, 1977, Coimbatore and enlarge him on bail till the disposal of the Criminal Appeal No.290 of 2017.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

COMMON ORDER

Crl.MP.No.6113 of 2023 has been filed to suspend the sentence imposed in C.C.No.10 of 2013 on the file of the Special Judge, Special Court



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under Tamil Nadu Protections Interest of Depositor Act, Coimbatore against the Petitioner/Appellant pending disposal of the Criminal Appeal No.290 of 2017 on the file of this Court.

2.Crl.MP.No.6374 of 2023 has been filed to suspend the sentence imposed on the Petitioner by the impugned Judgment dated 17.02.2017 passed in CC.No.10 of 2013 on the file of the Special Judge, Special Court under TNPID Act, 1977, Coimbatore and enlarge him on bail till the disposal of the Criminal Appeal No.290 of 2017.

3.The Petitioners, viz., Sekar @ A.Palanisamy (A-5) and P.Karthikeyan (A-7), who are Accused in C.C.No.10 of 2013 on the file of the Special Judge, Special Court under TNPID Act Cases, Coimbatore, were convicted and sentenced as follows:

“The 5th Accused namely Sekar @ Palanisamy is convicted u/s.5(216 Counts) of Tamil Nadu Protection of Interest of Depositors (In Financial Establishments) Act, 1997 and sentenced to undergo Rigorous Imprisonment for 5 years and to pay a fine of Rs.3,000/- for each counter (216 counts) (i.e., Rs.6,48,000/-), in default to pay the fine, the 5th Accused has to



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undergo further period of 1 year rigorous imprisonment.

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Consequently, the 7th Accused namely P.Karthikeyan is convicted u/s.5(216 Counts) of Tamil Nadu Protection of Interest of Depositors (In Financial Establishments) Act, 1997 and sentenced to undergo Rigorous Imprisonment for 5 years and to pay a fine of Rs.3,000/- for each counter (216 counts) (i.e., Rs.6,48,000/-), in default to pay the fine, A-7 has to undergo further period of 1 year rigorous imprisonment.”

4.The learned Government Advocate produced a letter of the Superintendent, Central Prison, Coimbatore, dated 26.04.2023, in which, it is stated that the Sekar @ Palanisamy, S/o.N.Aaran (Petitioner in Crl.MP.No.6113 of 2023) has so far served sentence of 05 years, 10 months & 28 days, while P.Karthikeyan, S/o.Palanisamy (Petitioner in Crl.MP.No.6374 of 2023) has so far served sentence of 05 years, 11 months & 5 days.

5.Learned Government Advocate has drew my attention to the sentence awarded by the learned Sessions Judge that for the proved charges the Petitioners have to undergo Rigorous Imprisonment for 5 years and to pay fine amount of Rs.17,28,000/-, in default to pay the fine amount, they have to



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undergo one more year of rigorous imprisonment.

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6.Hence, I find that the balance period of sentence to be served is only 25 days in respect of P.Karthikeyan, S/o.Palanisamy (Petitioner in Crl.MP.No.6374 of 2023), while it is 01 month & 02 days in respect of Sekar @ Palanisamy, S/o.N.Aaran (Petitioner in Crl.MP.No.6113 of 2023). Taking into consideration the period already undergone by the Petitioners and the remaining period to be undergone by the Petitioners, I am inclined to suspend substantive sentences of imprisonment alone on certain conditions.

7.Accordingly, till the disposal of the Appeal, the substantive sentences of imprisonment alone is suspended and the Petitioners (A-5 & A-7) are ordered to be enlarged on bail, on the following conditions:-

- i. The Petitioners shall execute separate bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Special Judge, Special Court under TNPID Act, Coimbatore, within fifteen days from the date of receipt of a copy of this



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order.

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- ii. The Petitioners shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

28.04.2023
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Note: Issue order copy today (28.04.2023)

To

1.The Special Judge,
Special Court under TNPID Act ,
Coimbatore.

2.The Superintendent,
Central Prison,
Coimbatore.

3.The Public Prosecutor,
High Court,
Chennai.



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RMT.TEEKAA RAMAN, J.,

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in

Crl.A.No.290 of 2017

Dated 28.04.2023

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