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Crl.M..P.No.11150 of 2023
in
Crl.A.No.74 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.08.2023

Coram

The Hon'ble Mrs.Justice R.Hemalatha

Crl.M.P.No.11150 of 2023
in
Crl.A.No.74 of 2023

M.Amul

..Petitioner

Vs.

The State,
rep. by its Inspector of Police,
Economic Offences Wing -II,
Coimbatore City, Coimbatore.
(Cr.No.11 of 2012)

...Respondent

Prayer :

Criminal Miscellaneous Petition filed under Section 389 (1) Cr.P.C.,
praying to suspend the sentence imposed on the petitioner by the learned
Special Judge, Special Court for TNPID Act, Coimbatore, in C.C.No.22 of
2013, dated 18.11.2022, and to enlarge the petitioner on bail pending
disposal of the Appeal.

For Petitioner : Mr.R.Kathikeyan
For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

Challenging the judgement passed by the learned Special Judge, Special Court under TNPID Act, Coimbatore, made in C.C.No.22 of 2013, dated 18.11.2022, the present Criminal Appeal No.74 of 2023, has been filed. Pending disposal of the said Appeal, the petitioner has filed the present Criminal Miscellaneous Petition seeking suspension of sentence and to enlarge her on bail.

2. The petitioner has been arrayed as third accused in the aforesaid Calendar Case and she was convicted and sentenced to undergo imprisonment, the details of which, is furnished in the tabular column below:-

<i>Petitioner Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1 & A3	Section 420, 406 of I.P.C and Section 5 of TNPID Act (523 counts)	To pay fine of Rs.28,000/- for each counts (Fine of Rs.28,000/- x 523 counts x 3 offences), in total Rs.4,39,32,000/-. A3 shall pay the said fine amount on behalf of A1, in default of payment of fine to undergo further one year R.I for each counts.
	Under Section	Sentenced to undergo seven years R.I



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<i>Petitioner Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A3	120B r/w 420 of I.P.C (523 counts)	and to pay fine of Rs.28,000/- for each counts (Fine of Rs.28,000 x 523 counts), in total Rs.1,46,44,000/- in default of payment of fine to undergo further one and half years R.I for each counts.
	Under Section 420 of I.P.C	Sentenced to undergo seven years R.I and to pay fine of Rs.28,000/- for each counts (Fine of Rs.28,000 x 523 counts), in total Rs.1,46,44,000/- in default of payment of fine to undergo further one and half years R.I for each counts.
	Under Section 406 of I.P.C	Sentenced to undergo three years R.I and to pay fine of Rs.28,000/- for each counts (Fine of Rs.28,000 x 523 counts), in total Rs.1,46,44,000/- in default of payment of fine to undergo further nine months R.I for each counts.
	Under Section 5 of T.N.P.I.D Act	Sentenced to undergo ten years R.I and to pay fine of Rs.28,000/- for each counts (Fine of Rs.28,000 x 523 counts), in total Rs.1,46,44,000/- in default of payment of fine to undergo further two years R.I for each counts.

2.1 The period of sentences were ordered to run concurrently.



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3. Mr.R.Kathikeyan, learned counsel appearing for the petitioner contended that the petitioner/accused No.3 is the wife of accused No.1, and she was only a name lender, and other than that, she has nothing to do with the business conducted by her husband/accused No.1 and therefore, prayed for enlarging the petitioner on bail.

4. Mr.S.Sugendran, learned Additional Public Prosecutor appearing for the respondent/State submitted that, the accused No.3 and her husband/accused No.1 had swindled the hard earned money of the innocent depositors and thereby, committed serious offence, which was rightly appreciated by the Trial Court and convicted and sentenced the petitioner and the other accused. According to him, there is no reason to suspend the sentence of the petitioner, at this juncture.

5. The petitioner is languishing in prison for the past 1 ½ years and it is contended that she did not take active part in the business run by her husband. In the circumstances, this Criminal Miscellaneous Petition is allowed and the sentence imposed against the petitioner is suspended,



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however, subject to the following conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Special Judge, Special Court for TNPID Act, Coimbatore

ii) 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

iii) 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 she is not able to appear before the trial Court on any day, she shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court



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on any other day in lieu of the date of her absence, as directed by the trial Court.

16.08.2023

Index : Yes/No
Speaking/Non speaking Order
sd
Note : Issue order copy on .08.2023.

To

1. The Learned Special Judge,
Special Court under TNPID Act,
Coimbatore.
2. The Inspector of Police,
Economic Offences Wing -II,
Coimbatore City, Coimbatore.
3. The Public Prosecutor,
High Court, Chennai -104.

R.Hemalatha,J.,

sd



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