



Crl.M.P.No.20081 of 2022 in Crl.A.No.1321 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.20081 of 2022

in

Crl.A.No.1321 of 2022

1.M/s.R.K.Emu Farms,
No.2/216, Pattakaranpalayam, Perundurai Tk,
Erode District.
Represented by A2 and A3

2.R.Kannusamy
3.P.Mohanasundaram

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Economic Offences Wing-II, Erode.
(Crime No.1005 of 2012)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) r/w 439 of Cr.P.C. to release the petitioner on bail by suspending the sentence against C.C.No.7 of 2014 on the file of the learned Special Judge, Special Court under TNPID Act Cases, Coimbatore, pending disposal of the above appeal.

1 of 7



Crl.M.P.No.20081 of 2022 in Crl.A.No.1321 of 2022

For Petitioners : Mr.G.Murugendran
For Respondent : Mr.C.E.Pratap,
Govt. Advocate (Crl.Side)

ORDER

The petitioners, who are the accused in C.C.No.7 of 2014 passed by the learned Special Judge, Special Court under TNPID Act Cases, Coimbatore, seeks suspension of his sentence of imprisonment.

2. The Trial Court, by its judgment dated 15.09.2022, convicted the petitioners/accused for the offences punishable under Sections 120 B, 420, 406 I.P.C., and Section 5 of TNPID Act, and sentenced them as under:

<i>Rank of the accused</i>	<i>Conviction under Section</i>	<i>Sentence awarded</i>
1 st Accused	420, 406 IPC., and Section 5 of TNPID Act	To pay fine of Rs.20,000/- for each offences and each counts (20,000 x 3 offences x 110 counts = Rs.66,00,000/-). The A2 and A3 shall pay the fine amount equally imposed on the 1 st accused Firm, in default of payment of



Crl.M.P.No.20081 of 2022 in Crl.A.No.1321 of 2022

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<i>Rank of the accused</i>	<i>Conviction under Section</i>	<i>Sentence awarded</i>
		fine, they should undergo one year Simple Imprisonment for each offence and for each counts
2 nd and 3 rd accused	120 B r/w.420 IPC	To pay fine of Rs.20,000/- for each counts (20,000 x 110 counts x 2 accused = Rs.44,00,000/-) in default of payment of fine to undergo further one year Simple Imprisonment.
	420 IPC	To pay fine of Rs.20,000/- for each offences and each counts (20,000 x 110 counts x2 accused = Rs.44,00,000/-) in default of payment of fine to undergo further one year Simple Imprisonment.
	406 IPC	To pay fine of Rs.20,000/- for each offences and each counts (20,000 x 110 counts x2 accused = Rs.44,00,000/-) in



Crl.M.P.No.20081 of 2022 in Crl.A.No.1321 of 2022

<i>Rank of the accused</i>	<i>Conviction under Section</i>	<i>Sentence awarded</i>
		default of payment of fine to undergo further one year Simple Imprisonment.
	5 of T.N.P.I.D.Act	To pay fine of Rs.20,000/- for each offences and each counts (20,000 x 110 counts x2 accused = Rs.44,00,000/-) in default of payment of fine to undergo further one year Simple Imprisonment.

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioners are before this Court.

4. The learned counsel for the petitioners submitted that there are arguable points in this Appeal. and hence, prayed for suspension of sentence.

5. Heard the learned Government Advocate(Crl. side) appearing for



Crl.M.P.No.20081 of 2022 in Crl.A.No.1321 of 2022

the respondent and perused the impugned judgment and the materials on record.

6. Taking into consideration of the above submission of the learned counsels appearing on both sides, this Court finds that the petitioners have substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioners shall surrender before the Trial Court within a period of two weeks from the date of receipt of a copy of this order and on such surrender, the petitioners are ordered to be released on bail on condition that ***each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge, Special Court under***



Crl.M.P.No.20081 of 2022 in Crl.A.No.1321 of 2022

*the Tamilnadu Protection of Interest and Depositors Act Cases,
Coimbatore.*

(ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioners shall appear before the Trial Court as and when required.

03.01.2023
2/3

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To

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



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Crl.M.P.No.20081 of 2022 in Crl.A.No.1321 of 2022

V.SIVAGNANAM, J.,

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Crl.M.P.No.20081 of 2022
in
Crl.A.No.1321 of 2022

03.01.2023