



Crl.MP No.29 of 2023
in Crl.A.No.543 of 2021

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Crl.M.P.No.29 of 2023
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V.SIVAGNANAM, J.

This petition has been filed to suspend the sentence imposed on the 6th accused in C.C.No.21 of 2012 by the learned Special Judge under TNPID Act, Coimbatore, vide judgement dated 05.08.2021 and enlarge the 6th accused on bail, pending disposal of the Criminal Appeal.

2.The petitioners (A1 to A3) and one C.Vasu (A6) are the accused in C.C.No.21 of 2012. The Trial Court in its judgment dated 05.08.2021, found the petitioners guilty of the offence under Sections 120(b), 420 I.P.C. and 5 of TNPID Act, 1997, convicted and sentenced the accused as follows;

- A1 to A3 each to pay a fine of Rs.10,000/- for each offence and each count under section 420 I.P.C. and section 5 of TNPID Act (Rs.15,000 x 110 counts x 3 firms x 2 offences = Rs.99,00,000/-).
- A4 and A6 to pay the fine amount of Rs.66,00,000/- imposed on the 1st and 2nd accused firms, namely each Rs.33,00,000/-, in default to undergo further period of one year S.I. For each offence.
- A4, A5 and A6 to pay the fine amount of Rs.33,00,000/- imposed on the 3rd accused firm, namely A4 to A6 each to pay Rs.11,00,000/- in default to



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undergo one year S.I.

- A4 to A6 each to undergo 2 years simple imprisonment and to pay a fine of Rs.15,000/- for each count ($\text{Rs.15,000/-} \times 110 \times 3 = \text{Rs.49,50,000/-}$) under section 120-B I.P.C. in default to one year S.I.
- A4 to A6 to undergo 3 years simple imprisonment and to pay a fine of Rs.15,000/- for each count ($\text{Rs.15,000/-} \times 110 \times 3 = \text{Rs.49,00,000/-}$) under Section 420 I.P.C. in default to one year S.I.
- A4 to A6 to undergo 10 years simple imprisonment and to pay a fine of Rs.15,000/- for each count ($\text{Rs.15,000/-} \times 110 \times 3 = \text{Rs.49,50,000/-}$) under section 5 of TNPID Act in default to one year S.I.
- Total fine amount of Rs.2,47,50,000/- out of which A4 and A6 each to pay Rs.93,50,000/- and A5 to pay Rs.60,50,000/-.

3. The learned counsel for the 4th petitioner submitted that the 4th petitioner herein was not able to pay any amount as fine. His earlier application in Crl.M.P.No.11604 of 2021 was dismissed for non prosecution on 16.09.2022 and there is no possibility of the appeal being taken up for final hearing in the near future and hence filed this 2nd petition. He further submitted that the 4th petitioner is in custody from 05.08.2021 and he is suffering incarceration for more than a year and



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hence, he prayed to suspend the sentence imposed on the 4th petitioner.

4. The learned Government Advocate (Crl.Side) opposed to grant suspension of sentence on the ground that the quantity of contraband involved in this case is a commercial quantity.

5. Considering the gravity of the offence, and also taking into account the fact that the quantity of contraband involved in this case is commercial in nature, this Court is not inclined to suspend the sentence imposed on the 4th petitioner.

6. Accordingly, this Criminal Miscellaneous Petition is dismissed. The Registry is directed to prepare typed set of papers and post the main appeal, after four weeks.

11.01.2023

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