



*Crl.M.P.No.19854 of 2022 in
Crl.A.No.1308 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 02.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.19854 of 2022 in
Crl.A.No.1308 of 2022**

1. Malar Deepavali Thanga Nanaya Sirusemippu Thittam,
Regd.No.6/3, Bazaar Street, Sadras,
Thirukkzhukundram Taluk, Kancheepuram District.

2. J.Malarvizhi

... Petitioners

Vs.

The State, rep. by the Inspector of Police,
Economic Offence Wing-II,
Kancheepuram,
Kancheepuram District

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 482 of Criminal Procedure Code to suspend the sentence imposed in C.C.No.01/2020 dated 29.11.2022 passed by the Court of Special Judge under the Tamil nadu Protection of interest and Depositors (in financial Establishment) Act, 1997, Chennai and enlarge the petitioners on bail pending disposal of the Criminal Appeal.

For Petitioner

: Mr.K.Kesavan

For Respondent

: Mr.C.E.Pratap,
Government Advocate (Crl. Side)



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioners by the Trial Court in C.C.No.01/2020, vide judgement dated 29.11.2022, pending disposal of the Criminal Appeal.

2. The petitioner had run a financial establishment under the name of "Deepavali Thanga Nanaya Sirusemippu Thittam at No.6/3, Bazaar Street Sadras, Thirukazhukundram. The petitioner and the above financial establishmet are A2 and A1 respectively in C.C.No.01/2020 on the file of the Special Court under the Tamil Nadu Protection of Interest and Depositors (in financial Establishment) Act, 1997, Chennai. The Trial Court, vide judgment dated 29.11.2022 acquitted the petitioner from the offences under Section 420 IPC and Section 76(1) of Chit Fund Act, however, convicted under Sections 5 of TNPID Act, 1997 and 406 of IPC and sentenced him, as extracted hereunder.

Conviction under Section	Sentence
Section 5 of TNPID Act,1997 (for 19 counts)	Simple imprisonment for 3 years for each count and to pay a fine of Rs.65,000/- each counts (total Rs.12,35,000/-), in default, to undergo 3 months simple imprisonment for each count.
406 IPC (for 19 counts)	Imprisonment for 3 years for each counts and to pay a fine of Rs.65,000/- (Total Rs.12,34,000),



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Conviction under Section	Sentence
	in default, to undergo simple imprisonment for 3 months for each count.

The Trial Court, ordered the sentence to run concurrently.

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioner is before this Court.

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

5. Heard the learned Government Advocate(Crl. side) appearing for 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 petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.



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7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on his *executing a 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 under the Tamilnadu Protection of Interest and Depositors (In financial Establishment) Act, 1997, Chennai.*

(ii) The petitioner 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 petitioner shall appear before the Trial Court as and when required.

02.01.2023

(1/3)

Index: Yes/No
Internet: Yes/No
mst



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To

- 1.The Special Judge under the Tamil Nadu Protection of Interest and Depositors (in Financial Establishment) Act 1997, Chennai.
- 2.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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