



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Nineteenth day of January Two Thousand and Twenty
Three

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P.(MD)No.359 of 2023

in

CRL.A.(MD)No.353 of 2022

R.PANNEER SELVAM

... PETITIONER/APPELLANT/ACCUSED NO.3

Vs

THE STATE REP BY,
THE DEPUTY SUPERINTENDENT OF
POLICE, ECONOMIC OFFENCES WING II,
DINDIGUL
(CRIME NO.3 OF 2012)

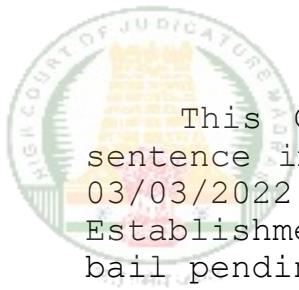
... RESPONDENT/RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence of imprisonment alone in CC.No.33 of 2013 dated 03.03.2022 on the file of the learned Special Court under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997), Madurai and enlarge the petitioner/accused no.3 on bail till the disposal of the Criminal Appeal.

PRAYER IN CRL A(MD)No.353 OF 2022:

Pleased to take this appeal on file, call for the records from the lower court, hear the counsel for the appellant/accused and allow the same by setting aside the conviction and sentence imposed on the appellant/accused passed in C.C.No. 33/2013 dated 03.03.2022 on the file of the Special Court under the Tamilnadu Protection of Interest of Depositors (In financial Establishment) Act, 1997, Madurai.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.P.KRISHNASAMY, Advocate for M/S.RAJAMANICKAM S, Advocate for the petitioner and of MR.M.SAKTHIKUMAR, Government Advocate (Criminal Side) on behalf of the Respondent, the court made the following order:-



This Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the petitioner in CC No.33 of 2013, dated 03/03/2022 by the Special Court under TNPID (Financial Establishment) Act 1997, Madurai and enlarge the petitioner/A3 on bail pending disposal of the criminal appeal.

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2.The case of the prosecution is that A1 was M/s.Subashree EMU Farms India (P) Limited and A2 is the Managing Director. A3, who is the petitioner herein, is a Director. A4 and A5 were partners. A2 to A5 conspired together, collected huge amount from the public, promising to return the deposit with higher interest. All the accused persons canvassed for the scheme and several crores of rupees have been collected from the public. But against the promise, they spent the money lavishly and cheated the public. On the basis of the above said occurrence, the case has been registered in Crime No.3 of 2012 for the offences under sections 409, 420, 120(B), 468, 471 IPC and section 5 of the Tamil Nadu Protection of Interest of the Depositors (in Financial Establishment) Act 1997 and after completing the process of investigation, final report was filed and it was taken cognizance in CC No.33 of 2013 by the trial court. Before the trial court, on the side of the prosecution, 195 witnesses were examined as PW1 to PW195 and 452 documents were marked as Exs.P1 to P452. On the side of the accused, two witnesses were examined and no document was marked.

3.At the conclusion of the trial, the trial court found the petitioner/A3 guilty for the offences under section 5 of TNPID Act and sections 120(B), 406 and 420 IPC and sentenced him to undergo 10 years Rigorous Imprisonment and imposed a fine of Rs.1,00,000/-, in default to undergo Rigorous Imprisonment for one month for the offence under section **5 of TNPID Act**; to undergo 10 years Rigorous Imprisonment and imposed a fine of Rs.1,00,000/-, in default to undergo Rigorous Imprisonment for one month for the offence under section **120-B IPC**; to undergo Rigorous Imprisonment for a period of three years and imposed a fine of Rs.10,000/-, in default to undergo Rigorous Imprisonment for a period of three months for the offence under section **406 IPC**; and to undergo 7 years of Rigorous Imprisonment and imposed a fine of Rs.10,000/-, in default to undergo six months Rigorous Imprisonment for the offence under section **420 IPC** and directed the sentences to run concurrently.

4.Challenging the above said conviction and sentence, criminal appeal has been preferred before this court. Pending criminal appeal, this miscellaneous petition has been filed by the petitioner/A3.

5.Hear both sides

6.The earlier two applications were dismissed by this court considering the gravity of the offence. This is the third



application filed on the very same ground as that of C. No.8185 of 2022 in CrI.A(MD)No.353 of 2022.

7.The argument that has been raised by the learned counsel appearing for the petitioner is that if the petitioner is released on bail, he is ready to settle the entire amount. But this sort of contention cannot be taken into account without any basic evidence to show that steps have been taken by the petitioner to settle the amount even though he is in prison.

8.Mere oral submission cannot be taken into account, considering the huge amount that is involved in this case by what source he is going to arrange the money and settlement the same has not been stated either in the petitioner or during the course of argument. A simple promise without any basis steps cannot be taken into account.

9.In the result, this criminal miscellaneous petition is dismissed.

sd/-
19/01/2023

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/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE SPECIAL JUDGE,
UNDER THE TAMILNADU PROTECTION OF INTEREST
OF DEPOSITORS (IN FINANCIAL ESTABLISHMENT) ACT, 1997, MADURAI.
- 2 THE DEPUTY SUPERINTENDENT OF
POLICE, ECONOMIC OFFENCES WING II, DINDIGUL
- 3 THE SUPERINTEINDENT, CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL.M.P. (MD) No.359 of 2023
in
CRL.A. (MD) No.353 of 2022
Date :19/01/2023

PKP/MMS/SAR-2/31.01.2023/3P/5C