



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

Thursday, the Fourth day of May Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.7290 of 2023
in
CRL RC(MD) No.496 of 2023

VELATCHI REDDIYAR

... Petitioner / Appellant

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KARUR.
(CRIME NO. 20 OF 2014).

... Respondent / Respondent

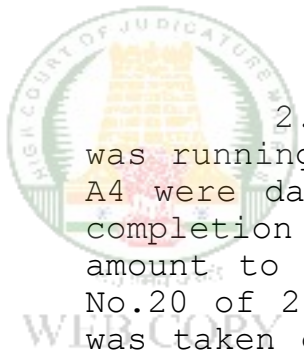
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed passed in Crl.A.No.42/2021 dated 18.11.2022 on the file of the Principal Sessions Court Karur by revising the order of acquittal passed in CC No.64/2015 dated 27.05.2019 on the file of the Judicial Magistrate II, Kulithalai and release petitioner on bail pending disposal of the above criminal revision petition.

Prayer in CRL RC(MD). 496/ 2023 :

To call for the records and set aside the judgement and sentence passed in Crl.A.No.42/2021 dated 18/11/2022 on the file of the Principal Sessions Court, Karur by reversing the order of acquittal passed in CC No.64/2015 dated 27/5/2019 on the file of the Judicial Magistrate Ni.II, Kulithalai.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.ILLANCHEZIAN V, Advocate for the petitioner and of Mr.S.MANIKANDAN, Government Advocate (Crl. side) on behalf of the Respondent the court made the following order:-

This petition is filed to suspend the sentence imposed in Crl.A.No.42 of 2021, dated 18.11.2022 on the file of the Principal Sessions Court, Karur, by reversing the order of acquittal passed in C.C.No.64 of 2015, dated 27.05.2019, on the file of the Judicial Magistrate No.II, Kulithalai.



2. The case of the prosecution is that the petitioner A1 was running illegal chit fund. A2 and A5 were assisting A1. A3 and A4 were daughter and son-in-law of the petitioner /A1. After the completion of the chit, the petitioner failed to repay the chit amount to the defacto complainant and 21 other. A case in Crime No.20 of 2014 was registered a final report was filed and the same was taken on file as C.C.No.64 of 2015 on the file of the Judicial Magistrate No.II, Kuzhithalai. After trial, the trial Court acquitted the petitioner and other accused from the charges and an Appeal against the acquittal was filed in CrI.A.No. 42 of 2021 on the file of the Principal District Judge, Karur. On 18.11.2022, the first Appellate Court acquitted A2 to A4 and convicted A1, under Section 420 I.P.C and Section 76 of Chit Funds Act. Under section 420 I.P.C, the petitioner was sentenced to undergo three months rigorous imprisonment and to pay a fine of Rs.10,000/-, in default to undergo six months simple imprisonment and under Section 76 of Chit Funds Act, the petitioner was sentenced to undergo two years simple imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months simple imprisonment and ordered compensation of Rs.45,94,640/- to the witnesses.

3. As against the said conviction and sentence, the petitioner has preferred a revision case in CrI.R.C.(MD)No.496 of 2023. Along with the revision, he has filed the present application for suspension of sentence pending disposal of the said revision.

4. On the side of the petitioner, it is stated that the judgment of the trial court is only on presumption and assumption. The defacto complainant filed two complaints. Earlier complaint was not disclosed in the charge sheet. There are several discrepancies in the case of the prosecution. None of the witness had given any proof for payment of chit amount. The petitioner is in custody for the past 67 days and the petitioner is aged about 84 years and prayed the sentence to be suspended.

5. On the side of the prosecution, it is stated that the first appellate Court reversed the findings of the trial Court. Order of acquittal against the petitioner was reversed by the first appellate Court. The money involved in approximately Rs.50,00,000/-. The amount was not refunded sofar. The first appellate Court has ordered the petitioner to pay compensation to the tune of Rs.45,94,640/- to the victims and the petitioner has not taken any steps to pay the compensation.

6. Considering the facts and circumstances of the case and considering the age of the petitioner and considering the period of incarceration and also considering the fact that the Criminal Revision Case is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.



7. Accordingly, this petition is allowed. The substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:-

(i) the petitioner shall deposit of sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of C.C.No.64 of 2015, on the file of the Judicial Magistrate No.II, Kulithalai.

(ii) On deposit of the aforesaid amount, the petitioner is released on bail and on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Kulithalai.

(iii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their valid identity card to ensure their identity.

(iv) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision or until further orders.

(v) On such deposit, the Judicial Magistrate No.II, Kulithalai, shall re-deposit the sum of Rs.1,00,000/- (Rupees One Lakhs only) in a Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in Crl. R.C.(MD)No.496 of 2023.

sd/-
04/05/2023

/ TRUE COPY /

05/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1.The Principal District Sessions Judge,
Karur.

<https://www.mhc.tn.gov.in/judis>



2.The Judicial Magistrate No.II,
Kulithalai.

3.Do through the Chief Judicial Magistrate,
Karur District.

4.The Inspector of Police,
District Crime Branch,
Karur.

5.The Superintendent,
Central Prison, Trichy.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.ILLANCHEZIAN V, Advocate (SR-7212[I] dated
05/05/2023)

ORDER

IN

CRL MP(MD) No.7290 of 2023
in

CRL RC(MD) No.496 of 2023

Date :04/05/2023

ED/VR/SAR- (05/05/2023) 4P 8C