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Crl.M.P.No.5220 of 2024 in Crl.R.C.No.558 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.5220 of 2024

in

Crl.R.C.No.558 of 2024

1.K.Yesudass

2.Elavarasi

... Petitioners

Vs.

State Rep By:

Sub-Inspector of Police,

Economic Offence Wing-II,

Chennai – 600 002.

Crime No.21 of 2004

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Sections 389(2) and 439 of Criminal Procedure Code, praying to suspend the sentence imposed on them by the judgement convicting them by VII Additional Sessions Judge in Criminal Appeal No.203 of 2022 dated 30.01.2024 against C.C.No.7903 of 2008 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai and enlarge the petitioners on bail, pending disposal of the above criminal revision.

For Petitioners : Mr.Durai. Kannan

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.Side)



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ORDER

This miscellaneous petition is filed to suspend the sentence imposed on the petitioners by the VII Additional Sessions Judge in Criminal Appeal No.203 of 2022 dated 30.01.2024 against C.C.No.7903 of 2008 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai and enlarge the petitioners on bail, pending disposal of the above criminal revision.

2. Petitioners were convicted for the offence under Section 420 of IPC and were sentenced to undergo three years simple imprisonment and to pay a fine of Rs.5,50,000/- by each of the petitioners, in default to undergo six months simple imprisonment and further convicted for the offence punishable under Section 76 of Chit Fund Act, 1982 and were sentenced to undergo two years simple imprisonment and the said sentences were ordered to run concurrently. Aggrieved by the same, the petitioners preferred an appeal in Crl.A.No.203 of 2022 and the same was dismissed. Hence, the petitioners seek suspension of sentence.



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3. The learned counsel for the petitioners would submit that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He would further submit that the petitioners are now confined in Central Prison, Puzhal, Chennai.

4. Heard the submissions of the learned Government Advocate (CrI.Side) appearing for the respondent.

5. Having regard to the fact that there are arguable points involved in the criminal revision case and further, the revision is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the petitioners are entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a



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like sum to the satisfaction of the learned Chief Metropolitan Magistrate, Egmore, Chennai and on further condition that the petitioners shall appear before the trial Court at 10.30 a.m. on the first working day of every English Calendar month, pending revision. Further, the petitioners are directed to deposit a sum of Rs.50,000/- each to the credit of C.C.No.7903 of 2008 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai.

7.This criminal miscellaneous petition is ordered accordingly.

24.04.2024
(2/2)

Index: Yes/No
Speaking Order / Non-speaking order
NCC: Yes/No
sp

To

- 1.The Chief Metropolitan Magistrate,
Egmore, Chennai.
- 2.The VII Additional District and Sessions Court,
Chennai.
- 3.The Sub-Inspector of Police,
Economic Offence Wing-II,
Chennai – 600 002.



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4.The Central Prison,
Puzhal,
Chennai.

5.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI,J.

sp

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**24.04.2024
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