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Crl.O.P.No.8076 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.8076 of 2024

1.Thangaraj
2.Ponnayaa
3.Mehandran
4.Umasankar

... Petitioners

Vs.

The Inspector of Police,
Economic Offence Wing II,
Salem City
(Crime No.24/2015)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to modify the condition the total fine amount imposed upon each petitioner is Rs.4,03,000/- and out of the said fine amount of Rs.16,12,000/- compensation is ordered to be paid to the victim order passed by the learned III Additional District and Sessions Judge, Salem in CMP.No.3296 of 2023 in Crl.A.No.188 of 2023 dated 30.11.2023 and allow this Criminal Original Petition.

For Petitioners : Mr.J.Franklin

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



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ORDER

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The petitioners are convicted accused in C.C.No.4 of 2018. Offence in which they are convicted under Section 4 r/w 76 of the Chit Funds Act, 1982 and Section 420 IPC (20 counts). The trial Court has imposed imprisonment of two years R.I., and upon each petitioner is Rs.4,03,000/-. Total fine of Rs.16,12,000/- and the said fine amount to be paid as compensation to the victims.

2. Against the conviction and sentence, the petitioners herein have preferred appeal before the Sessions Court and same has been admitted in Crl.A.No.188 of 2023. Along with the appeal, they have preferred petition for suspension of sentence both imprisonment and fine. In the said petition Crl.M.P.No.3296 of 2023, the learned III Additional District and Sessions Judge, Salem has suspended the imprisonment, but has directed the petitioners to pay the fine amount as imposed by the trial Court.

3. Being aggrieved, the present petition is filed for modification of the said order to the extent of payment of fine amount.



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4. The learned counsel appearing for the petitioners state that all the four petitioners/appellants are family members and the total fine of Rs.16,12,000/- is exorbitant and onerous.

5. The learned Government Advocate (Crl.Side) appearing for the State states that the trial Court has found the petitioners guilty. 20 gullible investors been cheated by the petitioners and thereby committed the offence punishable under Sections 4 r/w 76 of the Chit Funds Act, 1982 and Section 420 IPC (20 counts). The total amount cheated is more than Rs.34,00,000/-. Therefore, the trial Court has thought fit to impose a fine of Rs.4,03,000/- on each of the accused who were found guilty.

6. This Court, on considering the submissions made on either side and the judgment of the trial Court, finds that the prosecution has filed final report stating that a sum of Rs.34,26,060/- been cheated from 35 victims. Accordingly, the charges were also framed for offence under Section 4 r/w 76 of the Chit Funds Act, 1982 and Section 420 IPC (20 counts). However, the trial Court has found that only 20 counts of offence under Section 420 made out and accordingly had imposed



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sentence including fine. The cognizance of the offence been taken in the year 2018 and the judgment delivered in the year 2023.

7. Taking note of the fact that the amount cheated and number of persons been cheated, this Court finds that there is no necessity to interfere in the quantum of fine amount imposed by the trial Court. Hence the Criminal Original Petition is dismissed.

04.04.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

1. III Additional District and Sessions Judge, Salem.

2.The Inspector of Police,
Economic Offence Wing II,
Salem City

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

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