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*Crl.MP.No.7597 of 2024
in Crl.A.No.279 of 2021*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.05.2024

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

Crl.M.P.No.7597 of 2024

in

Crl.A.No.279 of 2021

C.Nanthakumar

...Petitioner

-VS-

State rep. by the Inspector of Police,
Economic Offences Wing – II,
Erode.
Crime No.22 of 2012

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397 of Cr.P.C., to suspend the sentence imposed on the petitioner by the Special Judge, Special Court under TNPID Act 1977, Coimbatore in CC.No.6/2013 dated 08.12.2020 and enlarge her on bail pending disposal of Criminal Appeal No.279/2021.

For Petitioner : Mr.V.M.R.Rajenthiran

For Respondent : Mr.L.Baskaran,
Government Advocate (Crl.Side)



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ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence imposed on the petitioner by the Special Judge, Special Court under TNPID Act 1977, Coimbatore in CC.No.6/2013 dated 08.12.2020 and enlarge her on bail pending disposal of Criminal Appeal No.279/2021.

2. The petitioner/accused in the above Sessions Case, was convicted and sentenced as follows:

Offence under Section	Sentence imposed
120(B) of IPC	To undergo simple imprisonment for 2 years and to pay fine of Rs.15,000/-(39counts) = Rs.5,85,000/-, in default to undergo further one year simple imprisonment
420 of IPC	To undergo three years simple imprisonment and to pay fine of Rs.15,000/-(39counts) = Rs.5,85,000/-, in default to undergo further one year simple imprisonment
5 of TNPID Act	To undergo 10 years simple imprisonment and to pay fine of Rs.15,000/-(39counts) = Rs.5,85,000/-, in default to undergo further one year simple imprisonment
The sentences shall run concurrently	

3. Challenging the above conviction and sentence, the petitioner/ accused has filed the above Appeal and seeks suspension of sentence and bail in the



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present petition.

4. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

5. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent raised serious objection for allowing the petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

6. Heard Mr.V.M.R.Rajenthiran, the learned counsel for the petitioners



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and Mr.L.Baskaran, the learned Government Advocate (Crl.Side) appearing for the respondent.

7. It is brought to the notice of this Court that a sum of five crores had already been deposited and the remaining amount yet to be paid is Rs.80,00,000/-. Considering the said facts and circumstances of the case, I am inclined to grant suspension of the substantive sentence made against the petitioner herein till the disposal of the present Criminal Appeal on condition that the petitioner shall pay a sum of Rs.2,50,000/- to show his bonafide for suspension of sentence within a period of one month from the date of receipt of a copy of this order. The petitioner is ordered to be enlarged on bail.

8. Accordingly, this Criminal Miscellaneous Petition stands allowed and the sentence of imprisonment is suspended and the sentence imposed on the petitioner is suspended on the following conditions:

- (i) The petitioner shall execute a bond for a sum of



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Rs.10,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned learned Special Judge, Special Court under TNPID Act, Coimbatore;

(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 and mobile numbers to ensure their identity; and

(iii) The petitioner shall also deposit a sum of Rs.17,50,000/- on or before 31.08.2024 and the balance amount of Rs.20,00,000/- is directed to be paid on or before 30.11.2024.

(iv) The petitioner shall appear before the trial Court on the Monday of every week at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by



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the trial Court;

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skr
Speaking/Non-Speaking order
Neutral Citation: Yes/No
Issue order copy by .05.2024

K.KUMARESH BABU, J.
skr

Copy to

1. Special Judge, Special Court under TNPID Act, Coimbatore
2. The Public Prosecutor, Madras High Court,
Chennai – 600 104.
3. The Inspector of Police,
Economic Offences Wing – II,
Erode.

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