



CrI.MP.No.7615 of 2024
in CrI.A.No.565 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CrI.M.P.No.7615 of 2024

in

CrI.A.No.565 of 2024

1. M/s.J.J.Fund

2. Jayaseeli

... Appellants/ Accused 1 & 2

-VS-

State Rep through

The Inspector of Police,

Economic Offences Wing – II,

Chennai.

...Respondent / Complainant

Prayer: Civil Miscellaneous Petition filed under Section 389(1) & (2) of Cr.P.C., to suspend the sentence of imprisonment passed by the Hon'ble Special Court under TNPID Act (FAC), Chennai dated 17.04.2024 in C.C.No.14 of 2013 and direct the release of the petitioners/ appellants on pending disposal of the appeal in the interest of justice and equity.

For Petitioner : M/s.Rheena Jerold

For Respondent : Mr.L.Baskaran,



Crl.MP.No.7615 of 2024
in Crl.A.No.565 of 2024

Government Advocate (Crl.Side)

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ORDER

This criminal miscellaneous petition has been filed seeking suspension of sentence of the imprisonment passed by the Hon'ble Special Court under TNPID Act (FAC), Chennai dated 17.04.2024 in C.C.No.14 of 2013 and direct the release of the appellants.

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

Offence under Section	Sentence imposed
5 of the TNPID Act	To undergo rigorous imprisonment for three years and shall pay fine amount of Rs.10,000/- for each count (Rs.8,20,000/-), in default, A2 shall further undergo simple imprisonment for a period of six months for each count.

3. Challenging the above conviction and sentence, the appellants/ accused have filed the above Criminal Appeal and he seeks suspension of sentence and bail in the present petition.

4. The learned counsel for the appellants would submit that there are arguable points available in the Criminal Appeal and the



Crl.MP.No.7615 of 2024
in Crl.A.No.565 of 2024

petitioners/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioners/accused may be suspended. He would submit that the petitioners are 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 M/s.Rheena Jerold, the learned counsel for the appellants 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 the Special Court under TNPID Act (FAC), Chennai vide order dated 17.04.2024 passed in



CrI.MP.No.7615 of 2024
in CrI.A.No.565 of 2024

CrI.M.P.No.987 of 2024 in C.C.No.14 of 2013 had suspended the sentence imposed on accused A2 and A3 till 17.05.2024. In view of the same, I am also inclined to suspend the substantive sentence made against the appellant 2/ accused no.2 till the disposal of the present Criminal Appeal and the appellant no.2/ accused no.2 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 appellant no.2/ accused no.2 shall execute a bond for a sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the Hon'ble Special Court under TNPID Act (FAC), Chennai;

(ii) The appellant no.2/ accused no.2 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



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CrI.MP.No.7615 of 2024
in CrI.A.No.565 of 2024

(iii)The appellant no.2/ accused no.2 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 she 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 the trial Court.

08.05.2024

skr
Speaking/Non-Speaking order
Neutral Citation: Yes/No

Issue order copy by05.2024

Copy to

1. The TNPID Act (FAC),
Chennai.
2. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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Crl.MP.No.7615 of 2024
in Crl.A.No.565 of 2024

K.KUMARESH BABU, J.
skr

Crl.M.P.No.7615 of 2024
in Crl.A.No.565 of 2024

08.05.2024