



WEB COPY



Crl.M.P.No.10192 of 2022 in Crl.A.No.745 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2024

CORAM:

THE HON'BLE MR.JUSTICE **M. NIRMAL KUMAR**

Crl.M.P.No.10192 of 2022
in Crl.A.No.745 of 2022

1.P.Mathiyalagan
2.M.Lakshmi

... Petitioners

Vs.

State: Rep by Inspector of Police,
Economic Offences Wing-II,
Coimbatore, Cr.No.8 of 2012

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Sections 389(1) of Cr.P.C to suspend the execution of the sentence/order, fine and NBW imposed in the Judgment passed in C.C.No.5/2015 dated 24.05.2022 by the Special Judge, Special Court under TNPID Act, Coimbatore pending disposal of the appeal and enlarge the petitioner on bail.

For Petitioner : Mr.P.Thiagarajan
For Respondent : Mr.C.E.Pratap,
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, seeking to suspend the sentence of imprisonment imposed on them in C.C.No.5 of 2015 by a order dated 24.05.2022 passed by the Special Judge,



Crl.M.P.No.10192 of 2022 in CrlA.No.745 of 2022

Special Court under TNPID Act, Coimbatore and enlarge the petitioners on bail pending disposal of the above revision.

2.The petitioners A3 and A4 are convicted by the Trial Court in C.C.No.5 of 2015 by judgment dated 24.05.2022. The petitioners A3 and A4 are the person in charge of A1 and A2 Company. In this case A1 has been acquitted and A2 to A4 have been convicted for offence under Sections 420 and 406 and Section 5 of TNPID Act and various fine amounts have been imposed. The total fine amount to be paid by A3 and A4 in this case is Rs.44,55,000/-.

3.The learned counsel for the the petitioner submitted that the petitioner has deposited the entire fine amount of Rs.44,55,000/-.

4.The learned Govt. Advocate (Crl.Side) also confirmed that the fine amount of Rs.44,55,000/- has been deposited by the petitioners vide receipt no.708246 dated 20.10.2023 to the credit of C.C.No.5 of 2015.

5.It is seen that the first petitioner A3, who was arrested and remanded



Crl.M.P.No.10192 of 2022 in CrlA.No.745 of 2022

on 04.10.2023 is confined in Central Prison, Coimbatore.

WEB COPY

6.Since the entire fine amount of Rs.44,55,000/- has been deposited, this Court is inclined to suspend the sentence imposed on the petitioners.

7.Accordingly, the relief of suspension of sentence and bail are granted to the petitioners on the following conditions till the disposal of the above Criminal Revision:

(a) the petitioners are ordered to be enlarged on bail, on condition that they shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the Special Judge, Special Court under TNPID Act Coimbatore.

(c) The petitioners/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(d) The first petitioner/A3 is directed to appear before the respondent police every Monday at 10.00 a.m., until the disposal of the criminal appeal and if he is not able to appear before the Trial



WEB COPY



Crl.M.P.No.10192 of 2022 in CrlA.No.745 of 2022

Court on that 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.

8. Accordingly, this Criminal Miscellaneous Petition is ordered.

15.02.2024
(2/2)

Tsg

Note: Issue order copy on 15.02.2024.

To

1. Special Judge, Special Court under TNPID Act, Coimbatore.
3. The Superintendent, Central Prison, Coimbatore.
4. The Public Prosecutor, High Court, Madras.

M. NIRMAL KUMAR, J.

Tsg



WEB COPY



Crl.M.P.No.10192 of 2022 in Crl.A.No.745 of 2022

**Crl.M.P.No.10192 of 2022
in Crl.A.No.745 of 2022**

15.02.2024

**Crl.M.P.No.10192 of 2022
in
Crl.A.No.745 of 2022**



Crl.M.P.No.10192 of 2022 in CrlA.No.745 of 2022

M. NIRMAL KUMAR, J.

Today, the matter is listed under the caption “For Being Mentioned” at the instance of learned counsel for the petitioners in respect of the order passed on 15.02.2024.

2.The learned counsel for petitioners seeks clarification in the following paragraphs of the order dated 15.02.2024.

(i) in the last line of paragraph 1, it has been mentioned as “.... *above revision*” instead of “.... *above appeal*”;

(ii) in the last line of paragraph 7, it has been mentioned as “*above Criminal Revision*” instead of “*above Criminal Appeal*”;
and

(iii) in the second line of paragraph 7(d), it has been mentioned as “*appear before the respondent police ...*” instead of “*appear before the Trial Court ...*”.

3. In view of the said submission, paragraphs 1, 7 and 7(d) of the order dated 15.02.2024, passed in the above Criminal Miscellaneous Petition shall be replaced as follows:



Crl.M.P.No.10192 of 2022 in CrlA.No.745 of 2022

“This Criminal Miscellaneous Petition has been filed by the petitioners, seeking to suspend the sentence of imprisonment imposed on them in C.C.No.5 of 2015 by an order dated 24.05.2022 passed by the Special Judge, Special Court under TNPID Act, Coimbatore and enlarge the petitioners on bail pending disposal of the above appeal.

(7) Accordingly, the relief of suspension of sentence and bail are granted to the petitioners on the following conditions till the disposal of the above Criminal Appeal.

(7) (d) The first petitioner/A3 is directed to appear before the Trial Court on the first working day of every English Calender month at 10.30 a.m., until the disposal of the criminal appeal and if he is not able to appear before the Trial Court on that 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.

(e) Further, the first petitioner/A3 is directed to appear before the respondent police or by the Trial Court as and when summoned to be identified or to identify the depositors in disbursing the deposited amount without delay.”

4. It is made clear that in all other respects, the order dated 15.02.2024, shall remain unaltered.

5. The issue is clarified, accordingly.



Crl.M.P.No.10192 of 2022 in CrlA.No.745 of 2022

WEB COPY

6. The Registry is directed to carry out the corrections in paragraph 1, 7 and 7(d) of the order dated 15.02.2024 and issue fresh copy of the order, in accordance with law.

21.02.2024

rsi

Note: Issue amended order copy on 21.02.2024.



WEB COPY



Crl.M.P.No.10192 of 2022 in Crl.A.No.745 of 2022

M. NIRMAL KUMAR, J.

rsi

Crl.M.P.No.10192 of 2022
in
Crl.A.No.745 of 2022

21.02.2024