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*Crl.M.P.No.14263 of 2025 in Crl.A.No.576 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.14263 of 2025

in

Crl.A.No.576 of 2022

M.S.Kumar

... Petitioner

Vs.

The State of Tamil Nadu  
Rep. by the Inspector of Police,  
Economic Offences, Wing II,  
Coimbatore, Coimbatore District,  
Crime No.59 of 2021.

... Respondent

**PRAYER:** Criminal Miscellaneous Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to grant interim suspension of sentence for a period of three months to the petitioner/appellant, who is confined in Central Prison, Coimbatore by order of conviction dated 23.09.2021 in C.C.No.16 of 2014 passed by the learned Special Judge, Special Court under TNPID Act, Coimbatore, subject to such terms and conditions as this Court may deem fit to impose.

For Petitioner : Mr.B.Natarajan

For Respondent : Mr.S.Rajakumar  
Additional Public Prosecutor



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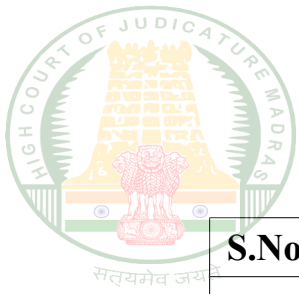
## **ORDER**

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking interim suspension of sentence imposed by the learned Special Judge, Special Court under TNPID Act, Coimbatore, by an order dated 23.09.2021 in C.C.No.16 of 2014 and enlarge the petitioner on bail for a period of three months.

2. The petitioner herein is arrayed the accused in C.C.No.16 of 2014 on the file of the learned Special Judge, Special Court under TNPID Act, Coimbatore. He was found guilty of the offences under Sections 420, 406 of IPC and Section 5 of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997 (hereinafter referred to as “the TNPID Act”) and he has been convicted and sentenced as under:

| S.No. | Conviction                                     | Sentence                                                                                                                                                                                                                |
|-------|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1     | Section 120-B<br>r/w.420 of IPC (25<br>counts) | to undergo rigorous imprisonment for a<br>period of seven (7) years and to pay fine of<br>Rs.10,000/- for each counts, in default to<br>undergo rigorous imprisonment for further<br>period of one and half (1½) years. |
| 2     | Section 420 of IPC<br>(25 counts)              | to undergo rigorous imprisonment for a<br>period of seven (7) years and to pay fine of<br>Rs.10,000/- for each counts, in default to<br>undergo rigorous imprisonment for further                                       |



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| S.No. | Conviction                         | Sentence                                                                                                                                                                                            |
|-------|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       |                                    | period of one and half (1½) years.                                                                                                                                                                  |
| 3     | Section 406 of IPC (25 counts)     | to undergo rigorous imprisonment for a period of three (3) years and to pay fine of Rs.10,000/- for each counts, in default to undergo rigorous imprisonment for further period of nine (9) months. |
| 3     | Section 5 of TNPID Act (25 counts) | to undergo rigorous imprisonment for a period of ten (10) years and to pay fine of Rs.10,000/- for each counts, in default to undergo rigorous imprisonment for further period of two (2) years.    |

Further the sentences are ordered to run concurrently. Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.

3. 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 for a period of three months. He would submit that the petitioner is ready to abide the condition imposed by this Court.



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4. Per contra, the learned Additional Public Prosecutor appearing for the respondent/State raised serious objection for allowing this 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.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. On perusal of the records, it is revealed that the petitioner had committed very serious offence as against the society. There is a clinching evidence to prove the case of the prosecution and the prosecution had proved the case beyond the reasonable doubts. Further, the petitioner failed to make out *prima facie* case to grant an interim suspension of sentence.



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WEB COPY 7. Accordingly, the Criminal Miscellaneous petition stands dismissed.

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Index : Yes/No  
Neutral citation : Yes/No  
Speaking/non-speaking order

rts

To

1. The Special Judge,  
Special Court under TNPID Act,  
Coimbatore,

2. The Inspector of Police,  
Economic Offences, Wing II,  
Coimbatore, Coimbatore District.

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



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**G.K.ILANTHIRAIYAN, J.**

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