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Crl.MP.No.64 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2025

CORAM:

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

Crl.M.P.No.64 of 2023

in

Crl.A.No.6 of 2023

1. M/s. SRY Emu Farms,
represented by N.Jambukumar
Office at 742C-Ponmani Complex,
Salem Road, Namakkal District,
represented by A2
2. N. Jambukumar
S/o.Rajan,
Kathi Board Colony,
Salem Main Road,
Namakkal District.

... Petitioners

/vs/

The State represented by
D.S.P. Economic Offences Wing-II,
Namakkal.
Crime No.4 of 2013

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(2) of
Cr.P.C., to suspend the sentence imposed on the petitioner in C.C.No.2 of



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2014, dated 12.07.2022 on the file of the Special Judge, Special Court under the Tamil Nadu Protection of Interests of Depositors Act Cases, Coimbatore, and to release the petitioners on bail, pending disposal of the above appeal.

For Petitioners	...	Mr.G. Murugendran
For Respondent	...	Mr.S.Raja Kumar, Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment imposed on the second petitioner in C.C.No.2 of 2014, dated 12.07.2022 on the file of the Special Judge, Special Court under the Tamil Nadu Protection of Interests of Depositors Act Cases, Coimbatore, and to release the petitioners on bail, pending disposal of the above appeal.

2. The trial court, by its judgment dated 12.07.2022 made in C.C.No.2 of 2014 convicted the accused and imposed sentence on them as follows:



Petitioner's Rank	Provision under which convicted	Sentence
A1	U/s.420, 406 of IPC and Sec.5 of TNPID Act (172 counts)	To pay a fine of Rs.10,000/- for each count (Rs.10,000 x 172 counts x 3 offences), in total Rs.51,60,000/- A2 to A5 shall pay the said fine amount equally on behalf of A1, namely each Rs.12,90,000/-, in default in payment of fine, to undergo further one year RI for each count.
A2 to A5 and A8	U/s.120B, r/w.420 IPC	To undergo RI for 7 years and to pay a fine of Rs.10,000/- for each count (Rs.10,000 x 172 counts x 5 accused) = Rs.86,00,000/-, default in payment, to undergo further one and half years RI for each count.
A2 to A5 and A8	U/s.420 IPC (172 counts)	To undergo RI for 7 years and to pay a fine of Rs.10,000/- for each count (Rs.10,000 x 172 counts x 5 accused) = Rs.86,00,000/-, default in payment, to undergo further one and half years RI for each count.
A2 to A5 and A8	U/s.406 IPC (172 counts)	To undergo RI for 3 years and to pay a fine of Rs.10,000/- for each count (Rs.10,000 x 172 counts x 5 accused) = Rs.86,00,000/-, default in payment, to undergo further nine months RI for each count.
A2 to A5 and A8	U/s.5 of TNPID Act, 1997 (172 counts)	To undergo RI for 10 years and to pay a fine of Rs.10,000/- for each count (Rs.10,000 x 172 counts x 5 accused) = Rs.86,00,000/-, default in payment, to undergo further 2 years RI for each count.



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Petitioner's Rank	Provision under which convicted	Sentence
Total fine amount is Rs.3,95,60,000/-, (A2 to A5 shall pay Rs.81,70,000/- and A8 shall pay Rs.68,80,000/-).		
The sentence of imprisonments imposed on the petitioner were ordered to run concurrently		

3. The petitioners filed the aforementioned appeal along with this suspension of sentence petition in Crl.MP.No.64 of 2023 in Crl.A.No.6 of 2023 and this Court by order dated 12.01.2023, suspended the sentence for a period of three months on the submissions made by the second petitioner that he would settle the entire amount to the depositors within a period of three months. However, the petitioners did not settle the amount within a period of three months. Thereafter, they filed petition for extension of time in Crl.MP.No.6004 of 2023 seeking extension of time to comply with the condition. It was also ordered by this Court by order dated 26.04.2023 thereby extended the time for further period of two months from the date of receipt of the said order. Till today, the petitioners have not complied with the condition. Further, the sentence imposed on the second petitioner was suspended only for five months. However, neither the second petitioner surrendered before the trial court nor the respondent took any steps to secure the second petitioner to undergo the remaining period of sentence



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since the aforesaid period of five months is already over.

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4. In view of the above, the respondent is directed to immediately secure the second petitioner, since he is representing the first petitioner, and subject him to judicial custody so as to make him to undergo the remaining period of the sentence imposed by the trial court in C.C.No.2 of 2014 on the file of the Special Judge, Special Court under the Tamil Nadu Protection of Interests of Depositors Act Cases, Coimbatore.

5. In the result, this criminal miscellaneous petition stands dismissed.

05.06.2025

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G.K.ILANTHIRAIYAN, J.

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To

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1. The Special Judge, Special Court under the Tamil Nadu Protection of Interests of Depositors Act Cases, Coimbatore,
2. The D.S.P. Economic Offences Wing-II, Namakkal.
3. The Public Prosecutor, High Court, Madras.

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