



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

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THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

CRL MP NO. 18195 of 2024

in

Crl.A. No.212 of 2022

S.Prabhu
S/o. Senni, 28/78, Sathiyamoorthy Street,
Siruvalur, Gopichettipalayam Taluk,
Erode District.

..Petitioner

Vs

The State Rep By, Inspector Of Police,
Economic Offences Wing-II, Erode.
(crime No.344 of 2012)

..Respondent

For Petitioner:

Mr. S.Sathiaseelan

For Respondent:

Mr. KMD. Muhilan, Government Advocate



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ORDER

The present Criminal Miscellaneous Petition is filed seeking to modify the condition imposed by this Court in paragraph 8(d) of the order dated 24.07.2023 in CrI.M.P. No.8909 of 2023 in CrI.A. No.212 of 2022.

2.The petitioner, who was the 6th accused in C.C.No.3 of 2014 before the Special Judge, Special Court under TNPID Act, Coimbatore, was convicted and sentenced on 23.11.2021 as detailed hereunder:

S.No.	Provision under convicted	Sentence
1	Section 420 IPC and Section of TNPID Act	Fine amount of Rs.30,000/- for each counts (fine of Rs.30,000 x 69 counts) in total Rs.20,70,000/-, in default, to undergo rigorous imprisonment. for one year for each count.
2.	Section 120 B r/w 420 IPC	Rigorous imprisonment for seven years and to pay a fine of Rs.30,000/- for each counts (30,000x69 counts) in total Rs.20,70,000/- , in default, to undergo further rigorous imprisonment for one and half years for each count.



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3.	Section 420 IPC	Rigorous imprisonment for seven years and to pay a fine of Rs.30,000/- for each counts (30,000x69 counts) in total Rs.20,70,000/- , in default, to undergo further rigorous imprisonment for one and half years for each count.
4.	Section 5 of T.N.P.I.D Act, 1997	Rigorous imprisonment for ten years and to pay a fine of Rs.30,000/- for each counts (30,000x69 counts) in total Rs.20,70,000/- , in default, to undergo further rigorous imprisonment for two years for each count.

3.Challenging the above, the petitioner/ 6th accused filed Crl.A.No.212 of 2022 along with Crl. M.P. No.8909 of 2023 seeking suspension of sentence and bail. This Court, vide orders dated 24.07.2023, allowed the said petition and enlarged the petitioner on bail on certain conditions.



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4. Mr. S.Sathiaseelan, learned counsel appearing for the petitioner contended that the petitioner is only an employee in the Company and that he had deposited a sum of Rs.5,00,000/- to the credit of C.C. No.3 of 2014 on the file of the Special Judge, Special Court under TNPID (in Financial Establishment) Act 1997, Coimbatore, as directed by this Court. However, subsequently, he is not able to deposit a sum of Rs.10,00,000/- to the credit of the trial court as per the orders dated 24.07.2023 passed by this Court in CrI.M.P.No.8909 of 2023 in CrI.A. No.212 of 2022. The condition imposed by this Court is extracted hereunder:

"8.

(d) after coming out of prison, within a period of three months therefrom, the petitioner/A6 shall deposit another sum of Rs.10,00,000/- to the credit of the Trial Court as mentioned above. It is made clear that there shall be no further extension of time will be granted for the deposit of the second installment of Rs.10,00,000/- and if the petitioner/A6 fails to comply with the conditions, the suspension of sentence shall stand automatically vacated



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5. Mr. KMD. Muhilan, learned Government Advocate appearing for the respondent contended that the present petitioner is one of the directors of the company and that he is not an employee of the company.

6. The order passed by this Court says that no extension of time would be granted for payment of second installment of Rs.10,00,000/-. The contention of the counsel that since the petitioner is only an employee, the condition imposed by this Court should be modified cannot be accepted at this stage. The amount involved in the present case runs to several crores.

7. In the circumstances, I do not find any reason either to modify the above condition imposed by this Court in Crl.M.P. No.8909 of 2023 in Crl.A. No.212 of 2022 or to grant extension of time for



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payment since the orders were passed as early as 2023. Accordingly, the Criminal Miscellaneous Petition stands dismissed. Since the amount is not deposited, the suspension of sentence granted by this Court is vacated and the petitioner shall surrender before the trial court forthwith, failing which the trial court shall take appropriate steps to secure the presence of the petitioner as per law.

21.01.2025

bga

To

1. The Special Judge,
The Special Court under TNPID Act, Coimbatore.
2. The Inspector Of Police,
Economic Offences Wing-II, Erode.
(crime No.344 Of 2012)



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R. HEMALATHA, J.

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