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IN THE HIGH COURT OF JUDICATURE AT MADRAS
Case QR

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP Nos. 13382 and 19552 of 2026
in
CRL A NOs. 910 and 1270 OF 2026

C.Somasundaram
S/o. Chinnasamy,
No.1/14A, Chinnamalai Post,
Namakkal District.

..Petitioner(s)/A3

Vs

State Rep.by,
The Deputy Superintendent of Police,
Economic Offences Wing-II Unit,
Namakkal.
(Crime No.1 of 2013).

..Respondent(s)

CRL MP No. 19552 of 2026
Case QR

1. Adhavan Emu Farms
   Represented by A2-A5,
   a registered partnership firm,
   represented by its Managing Partner,
   L. Chandrasekaran,
   having office at No.1/424,
   Alankar Complex, Elur Main Road,
   Periyamanali Post,
   Tiruchengode Taluk, Namakkal District.

2. L. Chandrasekaran
   S/o Lakshmanan,
   No.221-C, Karuppanar Kovil Street,
   Ganeshapuram New Street,
   Namakkal.

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..Petitioners/A1 & A2

Vs

State represented by
The Deputy Superintendent of Police
Economic Offences Wing-II,
Namakkal.
Crime No. 1 of 2013

..Respondent(s)

CRL MP No. 13382 of 2026

Prayer : Criminal Miscellaneous Petition filed under Section 430(2) of BNSS, praying to suspend the sentence imposed on the petitioner by the Special Judge, Special Court for the Cases under the Tamil Nadu Protection of Interests of Depositors Act Cases, Coimbatore made in C.C.No.20 of 2013 dated 10.06.2026 and enlarge the petitioner on bail, pending of the above Criminal Appeal.

CRL MP No. 19552 of 2026

Prayer : Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, praying to Suspend the Judgment dated 10-6-2026 passed in C.C No. 20 of 2013 by the learned Special Judge, Special Court under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997, Coimbatore, pending disposal of the Criminal Appeal.

CRL MP No. 13382 of 2026

For Petitioner(s): Mr.V.M.R.Rajendran

For Respondent(s): Ms. Sharada Vivek,
Additional Public Prosecutor

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CRL MP No. 19552 of 2026

For Petitioner(s): Mr.S.Sheik Ismail

For Respondent(s): Ms. Sharada Vivek,
Additional Public Prosecutor

Common Order

The Criminal Appeals challenge the Judgment passed in C.C.No.20 of 2013 by the learned Special Judge, Special Court under the Tamil Nadu Protection of Interests of Depositors Act (hereinafter referred to as "TNPID Act"), Coimbatore, holding the petitioners guilty of the offence under Sections 120-B r/w 420 and 420 of I.P.C. and Section 5 of TNPID Act, 1997 and sentencing them as follows:

Accused	***Offence under Section***	***Sentence imposed***
A1	420 of I.P.C. and Section 5 of TNPID Act	A1-company to pay fine of Rs.30,000/- for each depositor (Rs.30,000/- x 115 x 2 offences = Rs.69,00,000/-). A2 and A3 to pay the said fine amount equally on behalf of A1, in default, to undergo two years rigorous imprisonment
A2 & A3	120-B r/w 420 of I.P.C.	To undergo rigorous imprisonment for seven years and each to pay a fine of Rs.30,000/- (Rs.30,000/- x 2 accused = Rs.60,000/-), in default to undergo rigorous imprisonment for a further period of one and half years.
A2 & A3	420 of I.P.C.	To undergo rigorous imprisonment for seven years and each to pay a fine of Rs.30,000/- for each depositor count (Rs.30,000/- x 115 x 2 accused = Rs.69,00,000/-, in default to undergo rigorous imprisonment for a further period of one and half years.
A2 & A3	5 of TNPID Act	To undergo rigorous imprisonment for

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		ten years and each to pay a fine of Rs.30,000/- for each depositor count (Rs.30,000/- x 115 x 2 accused = Rs.69,00,000/-, in default to undergo rigorous imprisonment for a further period of two years.
	The sentences were ordered to run concurrently.	

2. It is the case of the prosecution that the first accused was a partnership firm and the second and third accused are its Managing Partner and Partner, respectively and that the first accused-firm had deceived the general public and received deposits to the tune of Rs.2,37,98,020/- and failed to repay the depositors and thus committed the offence.

3. The learned counsels for the petitioners, who are arrayed as A2 and A3 respectively, would submit that all the properties belonging to the petitioners were attached; that the properties were sold and a sum of Rs.1,26,10,000/- was realised on 17.11.2021; that the petitioners have no other properties; and that they have been in custody for nearly 63 days; and that since a fixed sentence of imprisonment has been imposed, their sentence may be suspended pending disposal of the appeals.

4. The learned counsels would also submit that though the amount was realised as early as in the year 2021, due to the delay caused by the District

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Revenue Officer (DRO), the competent officer, the amount is yet to be disbursed to the depositors; and that the impugned judgment also records the fact that 26 out of 115 depositors were settled out of Court.

5. Since an accusation was made against the DRO, this Court had directed the DRO to be present and to file an affidavit, stating as to why the amount was not disbursed to the depositors.

6. Mr.M.G.Saravanan, the District Revenue Officer, Namakkal is present in person and would state that an application was filed before the Special Court in O.A.No.48 of 2025 for disbursal of the amount and an order was passed and that since the impugned judgment states that some of the depositors have been settled out of Court, a petition to recall and reopen have been filed in O.A. No. 48 of 2025 before the TNPID Court, Coimbatore and the same is pending.

7. The learned Additional Public Prosecutor would reiterate the averments made in the affidavit filed by the Competent Authority and would submit that the petitioners have committed a serious offence by cheating more than 115 depositors and therefore, they are not entitled to the relief of suspension of sentence.

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8. Heard the learned counsels for the petitioners and the learned Additional Public Prosecutor for the respondent.

9. Admittedly, the properties of the petitioners were attached and sold in an auction and a sum of Rs.1,26,10,000/- was realised as early as in the year 2021. In the affidavit filed by the Competent Authority-DRO, Namakkal, there is no explanation as to why there was a delay in the disbursal of the said amount. That apart, the DRO also was unable to explain as to why the amount was not credited in an interest bearing deposit. This is an unfortunate case, where inspite of the realisation of money, the amount has not been disbursed to the depositors. The affidavit of the DRO is bereft of any particulars justifying the delay.

10. Be that as it may. The petitioners are in custody from 10.06.2026 and their properties have been sold and substantial amount has been realised. The petitioners have raised arguable points in the appeal which requires consideration. Considering the above facts and since a fixed sentence of imprisonment has been imposed on the petitioners and the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioners.

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11. Accordingly, these criminal miscellaneous petitions stand allowed, and the sentence imposed on the petitioners is suspended till the disposal of the above criminal appeals, and the petitioners are ordered to be released on bail on the following conditions:

(a).The petitioners/A2 & A3 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Special Judge, Special Court under TNPID Act, Coimbatore;

(b).The petitioners/A2 & A3 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

(c).The petitioners/A2 & A3 shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if they are not able to appear before the Trial Court on any day, they 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 their absence, as directed by the Trial Court.

12. The petitioners shall hand over the list of depositors, who have already been settled out of Court, to the District Revenue Officer, Namakkal by the end of business today. The District Revenue Officer, Namakkal shall take expeditious steps to disburse the amounts to the depositors and in any event,

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shall complete the said exercise within a period of eight weeks from today. The Special Court under TNPID Act, Coimbatore is also directed to pass appropriate orders to enable the District Revenue Officer, Namakkal to complete the process.

04-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RSI

Note: Issue order copy on 05.11.2026

To

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

2.The Deputy Superintendent of Police,
Economic Offences Wing-II Unit,
Namakkal.

3.The Superintendent of Prison,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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SUNDER MOHAN J.

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