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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2015

CORAM

THE HONOURABLE MR. JUSTICE S.MANIKUMAR

CRL.RC.No.22 of 2015

1. M/s.Victor Processing Mills-A1
Unit No.588, Nadu Thottam
Bharathy Nagar, Veerapandy Post
Tiruppur.
2. P.A.Rathinam A2
Partner: Victor Processing Mills
S/o.K.R.Palanisamy
No.7, Selvapuram
Thennampalayam
Tiruppur-4.
3. R.Mahesh-A3
Partner: Victor Processing Mills
S/o.L.Ramalingam
No.77/89, Jai Nagar, 1st Street
Kangayam Road, Tiruppur.

...Petitioners

vs.

1. M/s.Yoshiaki Chemicals Company (P) Ltd.,
No.1/63-A, NH 47 Main Road
Pudhupalayam Pirivu
Perumanallur 641 666
rep.by its Authorized Person and
Accountant Mr.J.Ranganatha Naidu.
2. The State rep.by its
Public Prosecutor
Tiruppur District Court
Tiruppur.

...Respondents

Criminal Revision filed under Sections 397 and 401 of Cr.P.C., to set aside the judgment dated 08.10.2014 passed by the learned Principal Sessions Judge, Tiruppur in Crl.M.P.No.1534 of 2014 in Crl.M.P.No.1287 of 2014 in C.A.No.44 of 2014.



For Petitioners : Mr.M.Easan

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O R D E R

Vide judgment in C.C.No.58 of 2013 dated 30.06.2014, the learned Fast Track Judicial Magistrate, Tiruppur has convicted the petitioners under Section 138 of the Negotiable Instruments Act to undergo one year simple imprisonment and to pay a fine of Rs.3,000/- each, in default, to undergo one month simple imprisonment. Fine amount of Rs.3,000/- has been paid by the petitioners.

2. Crl.M.P.No.1287 of 2014 has been filed by the petitioners to suspend the sentence imposed in C.C.No.58 of 2013. The Court allowed the prayer for suspension of sentence on 11.08.2014 with a condition that the petitioners should surrender before the learned Fast Track Judicial Magistrate, Tiruppur within 20 days. The said period expired on 30.08.2014. Subsequently, the petitioners have filed Crl.M.P.No.1534 of 2014 for extending the time for surrender on the grounds inter alia that Mr.Rathinam, the second petitioner, was suffering from viral fever and that the third petitioner, Mahesh could not arrange for sureties. Going through the material on record, the learned Principal Sessions Judge, Tiruppur vide order dated 08.10.2014 declined to extend the time to surrender and observed that though the time prescribed for surrender before the learned Fast Track Judicial Magistrate, Tiruppur expired on 30.08.2014, the petitioners have chosen to file the application for extension only on 25.09.2014 and the delay between 30.08.2014 and 25.09.2014 has not been explained in the petition.

3. Though in the grounds of revision, it is stated by the petitioners that delay has been sufficiently explained, the lower Court failed to consider the reasons assigned by the petitioners in proper perspective, this Court is not inclined to countenance the same. As rightly observed by the learned Principal Sessions Judge, Tiruppur, delay of 25 days is not explained properly, with any document and even before this Court, there is no material to substantiate the same, warranting interference.

4. In view of the above, this Criminal Revision Petition is dismissed.

Sd/-
Assistant Registrar(Records)

//True Copy//

Sub Assistant Registrar



vj2

To

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1. The Principal Sessions Judge,
Tiruppur.
2. The Fast Track Judicial Magistrate,
Tiruppur
3. The Public Prosecutor,
Madras.
4. The Section Officer,
Criminal Section,
High Court, Madras.
5. The State,
Rep.by its Public Prosecutor,
Tiruppur District Court,
Tiruppur.

Crl.R.C.No.22 OF 2015

AK (CO)
PSI (20.01.2015)