

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Twenty Eighth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION Nos.6128 and 6131 of 2018

IN CRL RC.NOS.509 & 511 of 2018

1 M/S.PREMIER ENERGY & [PETITIONERS / ACCUSED
INFRASTRUCTURE LIMITED (A-1) (PEIL) IN CRL.MP.NO.6128 OF 2018]
REP BY ITS MANAGING DIRECTOR
MR.M.NARYANAMURTHY

2 M.NARAYANAMURTHY
3 A.SRIRAM
4 T.R.MURALI

1 VIKRAM MANKAL [PETITIONERS / ACCUSED
2 K.N.NARAYANAN IN CRL.MP.NO.6131 OF 2018]
3 RAMAKRISHNAN RANGASWAMNI
4 MALKA KOMARAIHAH

Vs

S.SRINIVASAN [RESPONDENT
IN BOTH THE PETITIONS]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case NOS.509 & 511 of 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence and conviction imposed by the order dated 28.03.2018 in C.A.No.25 of 2017 passed by the Honble I Additional Sessions Judge, Tiruvallur wherein convicted the Petitioners by reversing the judgment passed in STC.No.6 of 2016 dated 20.01.2017, on the file of the Fast Track Court (Magistrate Level), Tiruvallur till the disposal of the above Criminal Revision Petition and enlarged him on bail. [IN CRL.MP.NOS.6128 and 6131 of 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case NOS.509 & 511 of 2018 on the file of the High Court and upon hearing the arguments of MR.ARL.SUNDARESAN, SENIOR COUNSEL FOR M/S.M.MOHAMMED RAFI, Advocate [IN CRL.MP.NO.6128 OF 2018] AND MR.A.RAGUNATHAN, SENIOR COUNSEL FOR MR.M.MURALI, ADVOCATE [IN CRL.MP.NO.6131 OF 2018] for the petitioner and of MR.I.S.SUBRAMANIAN, SENIOR COUNSEL FOR MR.PRASAD VIJAYAKUMAR, ADVOCATE [IN BOTH THE PETITIONS] on behalf of the Respondent the court made the following order:-

By an order dated 19.04.2018, this Court, in the above Crl.M.P.Nos.6128 and 6131 of 2018, has ordered for suspension of

sentence passed by the Lower Appellate Court and the matters were posted today for further hearing.

2. Mr.I.S.Subramanian, learned Senior Counsel appearing for the respondent/private complainant would contend that the Lower Appellate Court has granted compensation of Rs.10 Crores, equivalent to cheque amount and hence, for extension of the interim order, compensation as awarded by the Lower Appellate Court is directed to be deposited by the accused within a time limit.

3. During the course of argument, Mr.I.S.Subramanian, learned Senior Counsel appearing for the respondent drawn the attention of this Court to the operative portion of the order passed by the Lower Appellate Court and also various judgments of the Supreme Court and pressed for deposit of the compensation amount as awarded by the Lower Appellate Court.

4. Per contra, Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the petitioners in the above miscellaneous petitions would contend that the suggestive case of the revision petitioners, who are the accused before the trial Court, has been accepted before the trial Court and the trial Magistrate has dismissed the case in S.T.C.No.6 of 2016 and an appeal in criminal appeal No.25 of 2017 was filed by the private complainant and it was allowed and compensation has been granted. Aggrieved against the said order of conviction and sentence, the accused have preferred the above criminal revision cases. The learned Senior Counsel also drawn the attention of this Court to the findings given by the learned trial Magistrate and submitted that the order passed by the trial Court has to be restored.

5. Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the petitioners in CrI.R.C.No.509 of 2018 and Mr.A.Ragunathan, learned Senior Counsel appearing for the revision petitioners in CrI.R.C.No.511 of 2018 are relying upon the findings of the trial Court passed in S.T.C.No.6 of 2016, wherein the private complaint filed under Section 138 of the Negotiable Instruments Act has been dismissed. On the other hand, Mr.I.S.Subramanian, learned Senior Counsel appearing for the private complainant/respondent herein is relying upon certain findings of the Lower Appellate Court which has reversed the findings of the trial Court and awarded conviction and sentence which is now the subject matter of the criminal revision cases.

6. After perusing the documents and the memorandum of understanding, which is marked as Ex.P.11 and various clause contained therein coupled with the cross examination of P.W.2 (private complainant) before the trial Court and also considering the scope of miscellaneous petitions, I am not expressing any opinion except to say that the interim order dated 19.04.2018 granting suspension of sentence imposed on the accused shall stand extended till the next hearing date.

7. Post the above Crl.M.P.Nos.6128 and 6131 of 2018 for further hearing on 12.06.2018. The interim order of suspending the sentence is extended till then.

-sd/-
28/04/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE I, ADDL. SESSIONS JUDGE,
TIRUVALLUR.

2 THE PRINCIPAL SESSIONS JUDGE,
TIRUVALLUR. [FOR INFORMATION]

3 THE FAST TRACK COURT
(MAGISTRATE LEVEL), TIRUVALLUR.

4 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR. [FOR INFORMATION]

+1 C.C. to M/S.M.MOHAMMED RAFI Advocate on payment of necessary charges in SR.NO. 8720

+1 C.C. to M/S.M.MURALI Advocate on payment of necessary charges in SR.NO. 8721

+2 C.C. to M/S.PRASAD VIJAYAKUMAR Advocate on payment of necessary charges in SR.NOS.8663, 8664

Order

in
CRL MP.NOS.6128 & 6131 OF 2018

in
CRL RC.NOS.509 & 511 OF 2018

Date :28/04/2018

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MLT-28/04/2018