



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.10811 of 2018

IN

CRL RC(MD) No.670 of 2018

1 ARROW FASIONS

REP BY ITS MANAGING PARTNER,

A. JOSEPH GNANARAJAN ARIVARASU

2 A. JOSSEPH GNANARAJAN ARIVARASU

... PETITIONERS/PETITIONERS

Vs

MD. A. TAJUDEEN

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the operation of the conviction and sentence imposed upon the petitioner by the Mahalir Neethi Mandram (Fast Track Court), Karur in Crl.A(MD)No. 92 of 2017 dated 27.07.2017, pending disposal of the above Criminal Appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.K.SURESH, Advocate for the petitioner while admitting Crl RC, the court made the following order:-

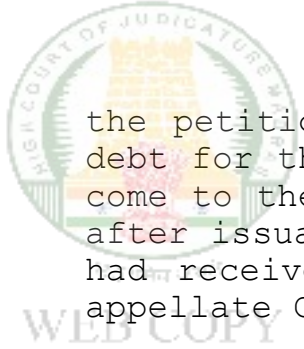
This petition is filed against the reversing judgment in a case instituted under Section 138 of the Negotiable Instrument Act.

2.The case of the prosecution is that the accused 2 and 3 are the partners of the first accused and they had business transaction with him on credit basis. During the course of transaction, a sum of Rs.7,77,529/- is due from the accused on 31.12.2009 and the second accused issued two post dated cheque drawn on UTI Bank, Ltd, Karur Branch in favour of the complainant. For discharging of the said amount, he presented both the cheques on 08.05.2009 with his banker HDFC Banker Ltd., which were returned as insufficient funds. Hence, the complaint.

3.Heard the submissions made on both sides and perused the judgment and other records available.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The petitioners are the accused and the trial Court acquitted



the petitioners on the ground that there is no legally enforceable debt for the cheque issued by the petitioners. The trial Court had come to the conclusion based on the evidence of P.W.1 admitted that after issuance of the cheque, dated 18.02.2009, P.W.1 admits that he had received a sum of Rs.2,00,000/- on 18.03.2009. However, the appellate Court reversed the order of the trial Court.

5.After considering the above submissions, this Court finds that there are arguable pointed involved to be decided in the Criminal Revision. Thus, this Court deems it appropriate to suspend the substantive portion of sentence imposed on the petitioners.

6.Accordingly, the present Miscellaneous Petition is allowed and the sentence of imprisonment awarded by the trial Court is hereby suspended until further orders in this petition and the petitioners are directed to be enlarged on bail on their executing a bond for a sum of Rs.5,000/- (Rupees five thousand only)each with two sureties each for a like sum to the satisfaction of the Mahalir Neethi Mandram Fast Track Mahila Court, Karur, subject to a condition that the petitioners shall appear before the said Court once in a month i.e, on the first working day of every month at 10.30 A.M until further orders.

sd/-
27/12/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
THE FAST TRACK MAHILA COURT,
MAHALIR NEETHI MANDRAM,
KARUR.

PS/PN/SAR-2/.2.01.2019/2P/2C

ORDER
IN
CRL MP (MD) No.10811 of 2018
IN
CRL RC (MD) No.670 of 2018
Date :27/12/2018