

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL MISCELLANEOUS PETITION No.6560 of 2019

in CRL.R.C.No.431 of 2019

V.SADAGOPAN
PROPRIETOR, M/S.SIVANAND TEX

[PETITIONER/APPELLANT]

Vs

M/S.SRI MEENAKSHI SUNDARAM TEXTILES,
REP.BY ITS PROPRIETOR, MR.M.THIIYAGARAJAN,
REP.BY HIS POWER OF ATTORNEY
HOLDER, MR.T.MEENAKSHISUNDARAM

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.R.C.No.431 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the Learned Judicial Magistrate No.I, Tirupur in S.C.No.3736/2008 and confirmed by the Learned II Additional District and Sessions Judge, Tirupur in C.A.No.49/2017, pending disposal of the CRL.R.C.No.431 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.R.C.No.431 of 2019 on the file of the High Court and upon hearing the arguments of M/S.R.BASKAR, Advocate for the petitioner, the court made the following order:-

The Criminal Revision has been filed as against the Judgment passed by the learned II Additional District and Sessions Judge, Thiruvallur in Crl.A.No.49 of 2017 dated 11.01.2019, confirming the conviction and sentence passed by the learned Judicial Magistrate No.1, Tirupur in STC No.3736 of 2008 dated 26.04.2017, for an offence Under Section 138 of Negotiable Instrument Act and sentencing him to undergo 1 year rigorous imprisonment and also imposed a fine of Rs.2,000 in default to undergo 3 months rigorous imprisonment and also directed to pay Rs.13,39,935/- (Rupees Thirteen lakhs thirty nine thousand nine hundred and thirty five only) as compensation within 3 months. Pending appeal, the petitioner has filed the above miscellaneous petition seeking suspension of substantive sentence of imprisonment.

2. Heard the learned counsel for the petitioner.

3. The sentence imposed by the Court below in STC No.3736 of 2008 dated 26.04.2017 is suspended and the petitioner shall be enlarged on bail, subject to the following conditions :-

(a) The petitioner is directed to deposit a sum of Rs.6,69,968/- (Rupees Six lakhs sixty nine thousand nine hundred and sixty eight only) in STC No.3736 of 2008 on the file of learned Judicial Magistrate No.1, Tirupur, within a period of six weeks from the date of receipt of copy of this order.

(b) The petitioner shall execute a bail bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Tirupur. This bail bond shall be entertained only after the deposit of the money specified in clause (a).

(c) The petitioner shall appear before the learned learned Judicial Magistrate No.1, Tirupur, on the first working day of every English Calendar Month at 10.30 am, until further orders.

(d) If the petitioner fails to deposit the amount and execute the bail bond as stipulated in Clause (a) and (b), the order of interim suspension of sentence shall stand cancelled automatically without reference to this Court and the learned learned Judicial Magistrate No.1, Tirupur, shall immediately issue non-bailable warrant and secure the petitioner to serve the remaining sentence imposed against the petitioner.

सत्यमेव जयते

-sd/-

09/05/2019

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 JUDICIAL MAGISTRATE NO.I
TIRUPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUPPUR

+3 C.C. to M/S.R.BASKAR Advocate on payment of necessary charges
SR.NO.9578

Order

in
CRL MP.6560/2019
in
CRL.R.C.No.431/2019

Date :09/05/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

cm 14/05/2019

सत्यमेव जयते

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