

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourteenth day of November Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.16560 & 16564 of 2019

IN CRL RC.1236/2019

1 PRANAV METHA [PETITIONER]
THE MANAGING DIRECTOR,
M/S.RADIANT FILTERS ENGINEERING PVT LTD.,

2.M/S.RADIANT FILTERS ENGINEERING PVT LTD.,
REP.BY ITS MANAGING DIRECTOR MR.PRANAV METHA

Vs

1 MANISH AGARWAL [RESPONDENT]
PARTNER
UNITECH BIRGHT STEEL INDUSTRIES
REP.BY THEIR AUTHORIZED MANGER & POWER
OF ATTONEY MR.SANJAY MODI,MANAGER
UNITECH BRIGHT STEEL INDUSTRIES

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1236/2019 on the file of the High Court, the High Court will be pleased to

[I]suspend the sentence imposed by the III Additional district and Sessions Judge, Tiruvallur at Poonamallee, dated 29.07.2019 in C.A.No.41/2018 by confirming the conviction of the learned Judicial Magistrate,fast Track Court, {magisterial Level}, Ambattur,dated 31.01.2018 in SS.T.C.NO.7 OF 2016 and enlarge the petitioner/accused on bail pending disposal of the above criminal revision petition. [CRL.MP.NO.16560/2019]

[II]exempt the surrender of the petitioner in S.T.C.NO.7 of 2016 before the learned Judicial Magistrate, Fast Track court, {magisterial Level},Ambattur.[CRL.MP.NO.16564/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1236/2019 on the file of the High Court and upon hearing the arguments of M/S. S.SATHYARAJ, Advocate for the petitioner , the court made the following order:-

1.These Criminal Miscellaneous Petitions have been filed by the
<https://hcservices.ecourts.gov.in/hcservices/> Petitioners/A1 & A2, to suspend the sentence of imprisonment,

imposed by the judgment, dated 29.07.2019 made in Crl.A.No.41/2018, by the III Additional District and Sessions Judge, Thiruvallur at Poonamallee, confirming the judgment dated 31.01.2018, made in STC.No.7/2016, by the Judicial Magistrate, Fast Track Court, (Magisterial Level), Ambattur and to exempt the Petitioner from surrendering before the Trial Court, in Crl.A.No.41/2018, by the III Additional District and Sessions Judge, Thiruvallur at Poonamallee, by the judgement, dated 29.07.2019, respectively, pending disposal of the Criminal Revision Case.

2. This court heard the submissions made by the learned counsel for the Petitioner and also perused both the impugned Judgments.
3. In and by both the impugned judgements of the Trial Court and the Appellate Court, the Petitioners/A1 & A2, were convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo seven months simple imprisonment and to pay an amount of Rs.2,60,000/- [Rupees Two Lakhs Sixty Thousand Only] as compensation to the complainant, within three months in default A1 is to undergo one Month simple imprisonment.
4. The learned counsel for the Petitioners/A1 & A2, would submit that there are arguable points available in the Criminal Revision Case and that the revision petition is not likely to be taken for final hearing in the near future and that the Petitioners have got a fair chance of succeeding in the Criminal Revision Case and would pray that the substantive sentence imposed against the Petitioners/A1 & A2 may be suspended on condition of depositing some amount. He would submit that without prejudice to his contentions, the Petitioners/A1 & A2 have prepared to deposit 50% of the cheque amount.
5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, this Court is of the view, that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of exemption from surrendering before the Trial Court, suspension of sentence and bail are granted on the following conditions :-
 - a) The Petitioners/A1 & A2 shall deposit a sum of Rs.1,30,000/- (Rupees One Lakh Thirty Thousand Only), which is 50% of the cheque amount, before the Trial Court, within a period of four weeks from the date of receipt of a copy of this order and on such deposit being made, the Trial Court shall redeposit the said amount in a fixed deposit account in any nationalized bank, so that the amount accrues interest. The disbursal of this amount shall be decided at the culmination of the revision petition. Thereafter, the Petitioners/A1 & A2 are ordered to be released on bail, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each, of whom, one should

be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court, (Magisterial Level), Ambattur.

- b) The Petitioners/A1 & A2 and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.
- c) The Petitioners/A1 & A2 shall appear before the Trial Court at 10.30 a.m. on the first working day of every month, until the disposal of the revision petition and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.
- d) On the failure of the Petitioners/A1 & A2, depositing the said amount, it is open to the Trial Court, to commit the Petitioners/A1 & A2 into custody for undergoing the sentence.

6. Post the matter on 12.12.2019 for "reporting compliance".

-sd/-

14/11/2019

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,
FAST TRACK COURT[MAGISTERIAL LEVEL]
AMBATTUR

2 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE,
THIRUVALLUR

WEB COPY

+1 C.C. to M/S. S.SATHYARAJ Advocate on payment of necessary charges SR.NO. 23496

Order

in
CRL MP.16560 & 16564/2019

in
CRL RC.1236/2019

Date :14/11/2019

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format
RD 21/11/2019



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