

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of January Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION Nos.255, 257, 259, 262, 261
& 266 of 2020

IN CRL.RC.NOS.46 TO 50 & 52 OF 2020

1 R.SARAVANAN [PETITIONERS / PETITIONERS
PARTNER OF SRI BALAJEE TEX IN CRL.MP.NOS.255, 259,
2 A.KARUPPUSAMY 262, 261 & 266/2020
PARTNER OF SRI BALAJEE TEX IN CRL.RC.NOS.46, 48, 49, 50
& 52/2020]

R.SARAVANAN [PETITIONERS / PETITIONERS
PARTNER OF SRI BALAJEE TEX IN CRL.MP.NO.257/2020
IN CRL.RC.NO.47/2020]

Vs

S.PONNAMMAL [RESPONDENT / RESPONDENT
REP. BY HER POWER AGENT IN ALL THE PETITIONS]
R.KANIMOZHI

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.Nos.46 to 50 & 52/2020 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner in STC.Nos.494, 495, 497, 505, 498 & 506/2017 on the file of Judicial Magistrate, Fast Track Court No.I, Erode dated 16.04.2018 as confirmed in C.A.Nos.156, 161, 157, 159, 158 & 160/2018 on the file of II Additional District and Sessions Judge, Erode District, dated 24.10.2019 and enlarge the petitioner on bail pending disposal of the above Crl.RC.Nos.46 to 50 & 52/2020, respectively.

Order : These petitions coming on for orders upon perusing the petitions and the Memorandum of Grounds in Crl.RC.Nos.46 to 50 & 52/2020 on the file of the High Court and upon hearing the arguments of M/S. S.KAMADEVAN, Advocate for the petitioners [IN ALL THE PETITIONS] the court made the following order:-

By (separate) judgements, dated 16.04.2018 passed by the learned Judicial Magistrate, Fast Track Court No.1, Erode, in S.T.C.Nos.494, 495, 497, 505, 498 and 506 of 2017, the petitioners were convicted under Section 138 of the Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of six months, three months, six months, six months, six months and six months, and further directed to pay compensation amounts of Rs.1,00,000/-, Rs.20,000/-, Rs.1,50,000/-, Rs.1,00,000/-, Rs.90,000/- and Rs.1,50,000/- in default, to undergo simple imprisonment for a period of one month, 15 days, one month, one month, one month and one month, respectively.

Challenging the said judgements, the petitioners have preferred appeals in CrI.A.Nos.156, 161, 157, 159, 158 and 160 of 2018 before the learned II Additional District and Sessions Judge, Erode, in which, the Appellate Court by the judgements, dated 24.10.2019, has dismissed the appeals by confirming the conviction and sentence imposed against the petitioners. Aggrieved over the concurrent judgements, the petitioners have filed the present Criminal Revision Cases, along with the Miscellaneous Petitions seeking suspension of sentence, pending disposal of these Criminal Revision Cases.

2. According to the learned counsel for the petitioners, the petitioners have rebutted the presumption as contemplated under Section 139 of the Negotiable Instruments Act; that there are arguable points available in the Criminal Revision Cases which are not likely to be taken up for final hearing in the near future and hence the substantive sentence imposed against the petitioners may be suspended.

3. Heard the learned counsel for the petitioners and also perused the materials placed on record.

4. Considering the facts, circumstances and the submissions made by the learned counsel for petitioners, this Court is of the view that the petitioners herein can be granted the relief of suspension of sentence. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners herein are directed to be enlarged on bail on the following conditions:-

- a) The petitioners / accused shall deposit a sum of Rs.3,00,000/- (Rupees three lakhs only) (in total) before the Trial Court, on or before 20.02.2020;
- b) On such deposit being made, the Trial Court shall redeposit the said amount in a Fixed Deposit Account, in anyone of the Nationalized Banks initially for a period of three years, which shall be renewal periodically, till the disposal of the Revisions. The disbursal of this amount shall be decided at the culmination of the Criminal Revision Cases.
- c) Upon compliance of the first condition on or before 20.02.2020, by the petitioners, they are ordered to be released on bail, on each of them executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court No.1, Erode District;
- d) The petitioners / accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Magistrate can obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities;

e) The petitioners / accused shall appear before the Trial Court at 10.30 a.m. on the first working day of every English Calendar month, until the disposal of the Revision Cases and if they are not able to appear before the Trial Court on any day, due to unavoidable circumstances, they shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the Trial Court on any other day in lieu of their absence, as directed by the Trial Court. Such an application shall not be entertained often.

f) On the failure of the petitioners / accused depositing the said amount within the time stipulated, as aforesaid, it is open to the Trial Court to commit the petitioners / Accused into custody for undergoing the sentence.

-sd/-
22/01/2020

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 II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, ERODE DISTRICT.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT NO.I, ERODE.

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

+2 C.C. to M/S. S.KAMADEVAN Advocate on payment of necessary
charges SR.No.1203

Order

in
CRL MP.Nos.255, 257, 259,
262, 261 & 266/2020

in
CRL.RC.Nos.46 to 50 & 52/2020

Date :22/01/2020