

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.M.P.No.8577 of 2020

in Crl.RC.No.1227 of 2020

K.Vijyakumar,  
Proprietor,  
M/s.Janani Enterprises

.. Petitioner

/versus/

A.Bindu,  
W/o.Arukutty (Late)  
Proprietor,  
M/s.Cool Well Enterprises,

.. Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) r/w 439 of Cr.P.C., praying to suspend the sentence of six month Simple Imprisonment imposed by the learned Judicial Magistrate Fast Track Court No.I, Magisterial Level at Coimbatore in C.C.No.333 of 2017 by judgment dated 05.09.2018 which was confirmed by the learned IV Additional District and Sessions Judge, Coimbatore in Crl.A.No.434 of 2018 by judgment dated 11.03.2020, pending disposal of the above Criminal Revision Petition.

For Petitioner : Mr.L.Mouli

O R D E R

The Criminal Miscellaneous Petition is filed to suspend the sentence of six month Simple Imprisonment imposed by the learned Judicial Magistrate Fast Track Court No.I, Magisterial Level at Coimbatore in C.C.No.333 of 2017 by judgment dated 05.09.2018 which was confirmed by the learned IV Additional District and Sessions Judge, Coimbatore in Crl.A.No.434 of 2018 by judgment dated 11.03.2020, pending disposal of the above Criminal Revision Petition. and enlarge her on bail, pending disposal of the above Crl.R.C.

2.The petitioner is an accused in a private complaint filed by the respondent for offence under Section 138 of the Negotiable Instrument Act in C.C.No.333 of 2017 on the file of the Judicial Magistrate Fast Track Court No.I, Magisterial Level Coimbatore.

3.The learned counsel for the petitioner submitted that there was a business transaction between the petitioner and the respondent in purchase of PVS Fills. The petitioner was due and payable a tune of Rs.76,650/- to the respondent for the purchase of PVS Fills. The petitioner in discharge of her liability issued a cheque bearing No.358546 dated 28.03.2014 drawn on IDBI Bank, Coimbatore. Thereafter, when the cheque was presented for the collection, the same was returned for the reason "insufficient funds". A statutory notice was issued on 16.06.2014 to the petitioner. Thereafter the petitioner and the respondent decided to settle the issue among themselves. In pursuant to the same, the petitioner paid a sum of Rs.30,000/- on three various dates viz., 21.06.2014, 30.06.2014 and 21.07.2014 to the respondent and the petitioner is due to the extend of Rs.46,650/-. The petitioner is willing to settle the same but the demand of the respondent was unreasonable and the petitioner could not comply. The petitioner is willing to deposit Rs.46,650/- to quietus the issue.

4.The learned counsel for the respondent admitted that the respondent received a sum of Rs.30,000/- and the prove of affidavit filed before the Trial Court.

5.Considering the submission made by the learned counsel for the petitioner, this Court is inclined to suspend the sentence on condition that the petitioner is directed to deposit further sum of Rs.40,650/- (Rupees Forty Thousand Six Hundred and Fifty Rupees Only) to the credit of C.C.No.333 of 2017 before the Judicial Magistrate, Fast Track Judge No.I, Magisterial Level at Coimbatore, on or before 19.01.2021 and on such deposit, the petitioner is directed to be enlarged on bail on condition to execute a 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 Judicial Magistrate, Fast Track Judge No.I, Magisterial Level at Coimbatore, within a period of 7 days from 19.01.2021 and on further condition that the petitioner shall appear before the said Court once in three months at 10.30 a.m. till the disposal of the revision. If the petitioner fails to deposit the amount of Rs.40,650/- (Rupees Forty Thousand Six Hundred and Fifty Rupees only) by 19.01.2021, the order would stand cancelled automatically.

-sd/-

21/12/2020

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 IV ADDITIONAL DISTRICT AND  
SESSIONS JUDGE, COIMBATORE.

2 THE JUDICIAL MAGISTRATE,  
FAST TRACK JUDGE NO.I MAGISTERIAL LEVEL AT  
COIMBATORE.

3 THE CHIEF JUDICIAL MAGISTRATE  
COIMBATORE [FOR INFORMATION]

+1C.C. to M/S. L.MOULI Advocate on payment of necessary  
charges SR NO.8489

Order

in

CRL.MP.NO.8577/2020

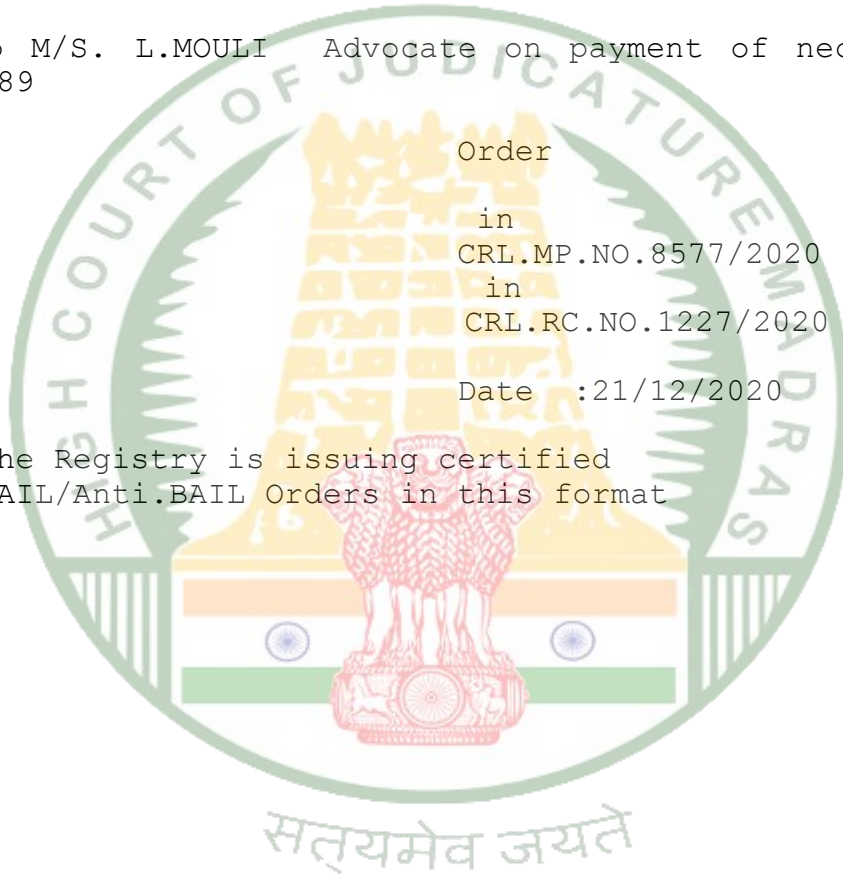
in

CRL.RC.NO.1227/2020

Date :21/12/2020

From 7.2.2001 the Registry is issuing certified  
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MK:29/12/2020



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