

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.M.P.No.5744 of 2021

in

Crl.R.C No.291 of 2021

1.R.M.Venugopal

Proprietor of

M/s.Sree Padma Balaji Industries

2.V.Sujatha Venugopal

...Petitioners

-Vs-

M/s.R.N.Textiles,

A Partnership Firm,

Represented by its Partner

K.Shanmugasundaram

...Respondent

Criminal Miscellaneous Petition is filed under Section 389(1) r/w Section 482 of Cr.P.C., to suspend the sentence imposed in Crl.A.No.124 of 2019 on the file of IV Additional District and Sessions Judge, Coimbatore dated 15.03.2021 confirming the Judgment and Sentence passed in C.C.No.356 of 2017 on the file of the Judicial Magistrate, (Fast Track Court-II), ML Coimbatore dated 08.03.2019 pending disposal of the above Criminal Revision Case.

For Petitioner

: Mr.R.Bharath Kumar

सत्यमेव जयते

ORDER

The petitioners were found guilty by both the Courts below for the offence under Section 138 of Negotiable Instruments Act and the accused have been convicted and sentenced to undergo simple imprisonment for a period of Six months and accused shall pay the compensation of Rs.3,00,000/- with interest @ 6% per annum from the date of cheque, to the complainant within one month from the date of this judgment, failing which the accused shall undergo default sentence of three months Simple Imprisonment. Hence, the petitioner seeks suspension of sentence.

2. The learned counsel for the petitioners submitted that the petitioners are ready to deposit a sum of Rs.1,00,000/- to the credit of C.C. No.356 of 2017 on the file of the learned Judicial Magistrate (Fast Track Court-II), Coimbatore. The petitioner has no objection for the complainant to withdraw the said amount. Of course, this is without prejudice to petitioners' contentions in this revision petition.

3. Having regard to the fact that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

4. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that :

a) The petitioners shall execute a separate 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, (Fast Track Court-II), ML Coimbatore.

b) The petitioners shall jointly deposit a sum of Rs.1,00,000/- to the credit of C.C.No.356 of 2017 on the file of the learned Judicial Magistrate (Fast Track Court-II), ML Coimbatore, within a period of Eight weeks from the date of receipt of a copy of this order.

c) The petitioners shall appear before the said Court at 10.30 a.m. on the first working day of every week, pending revision.

5. Accordingly, this petition is ordered.

-sd/-
06/05/2021

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 COURT-II) ML COIMBATORE.

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

C.C. to M/S.R.BHARATH KUMAR Advocate on payment of necessary
charges

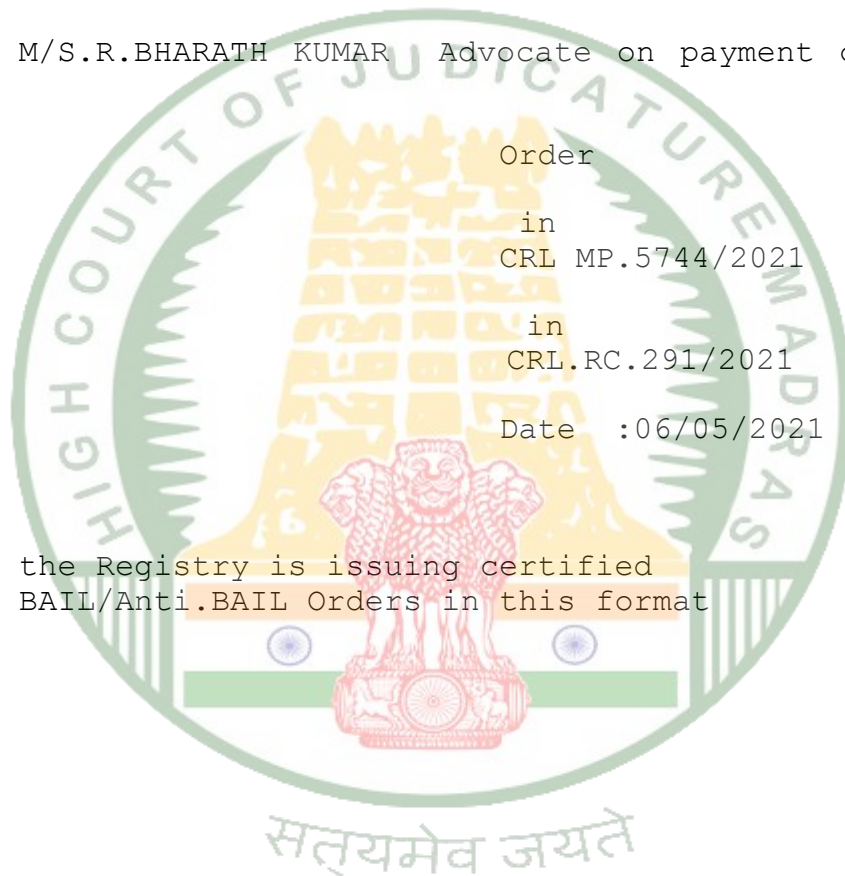
Order

in
CRL MP.5744/2021

in
CRL.RC.291/2021

Date :06/05/2021

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cs 26/05/2021



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